



**Minnesota Pollution  
Control Agency**

520 Lafayette Road North  
St. Paul, MN 55155-4194

# MS4 SWPPP Application for Reauthorization

for the NPDES/SDS General Small Municipal Separate  
Storm Sewer System (MS4) Permit MNR040000  
reissued with an effective date of August 1, 2013  
Stormwater Pollution Prevention Program (SWPPP) Document

Doc Type: Permit Application

**Instructions:** This application is for authorization to discharge stormwater associated with Municipal Separate Storm Sewer Systems (MS4s) under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit Program. **No fee** is required with the submittal of this application. Please refer to "Example" for detailed instructions found on the Minnesota Pollution Control Agency (MPCA) MS4 website at <http://www.pca.state.mn.us/ms4>.

**Submittal:** This MS4 SWPPP Application for Reauthorization form must be submitted electronically via e-mail to the MPCA at [ms4permitprogram.pca@state.mn.us](mailto:ms4permitprogram.pca@state.mn.us) from the person that is duly authorized to certify this form. All questions with an asterisk (\*) are required fields. All applications will be returned if required fields are not completed.

**Questions:** Contact Claudia Hochstein at 651-757-2881 or [claudia.hochstein@state.mn.us](mailto:claudia.hochstein@state.mn.us), Dan Miller at 651-757-2246 or [daniel.miller@state.mn.us](mailto:daniel.miller@state.mn.us), or call toll-free at 800-657-3864.

## General Contact Information (\*Required fields)

### MS4 Owner (with ownership or operational responsibility, or control of the MS4)

\*MS4 permittee name: City of Waite Park \*County: Stearns  
(city, county, municipality, government agency or other entity)

\*Mailing address: 19 North 13th Avenue, P.O. Box 339

\*City: Waite Park \*State: MN \*Zip code: 56387

\*Phone (including area code): 320.252.6822 \*E-mail: bill.schluez@ci.waitepark.mn.us

### MS4 General contact (with Stormwater Pollution Prevention Program [SWPPP] implementation responsibility)

\*Last name: Schluez \*First name: William  
(department head, MS4 coordinator, consultant, etc.)

\*Title: Public Works Director

\*Mailing address: 19 North 13<sup>th</sup> Avenue, P.O. Box 339

\*City: Waite Park \*State: MN \*Zip code: 56387

\*Phone (including area code): 320.252.6822 \*E-mail: bill.schluez@ci.waitepark.mn.us

### Preparer information (complete if SWPPP application is prepared by a party other than MS4 General contact)

Last name: Ryan First name: April  
(department head, MS4 coordinator, consultant, etc.)

Title: Water Resources Engineer

Mailing address: 1200 25<sup>th</sup> Avenue South

City: St. Cloud State: MN Zip code: 56302

Phone (including area code): 320.229.4300 E-mail: aryan@sehinc.com

## Verification

1. I seek to continue discharging stormwater associated with a small MS4 after the effective date of this Permit, and shall submit this MS4 SWPPP Application for Reauthorization form, in accordance with the schedule in Appendix A, Table 1, with the SWPPP document completed in accordance with the Permit (Part II.D.). ☒ Yes
2. I have read and understand the NPDES/SDS MS4 General Permit and certify that we intend to comply with all requirements of the Permit. ☒ Yes

## Certification (All fields are required)

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- ☒ Yes - I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

*I certify that based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.*

*I am aware that there are significant penalties for submitting false information, including the possibility of civil and criminal penalties.*

This certification is required by Minn. Stat. §§ 7001.0070 and 7001.0540. The authorized person with overall, MS4 legal responsibility must certify the application (principal executive officer or a ranking elected official).

By typing my name in the following box, I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing my application.

Name: William Schluez  
(This document has been electronically signed)

Title: Public Works Director Date (mm/dd/yyyy): 10/30/2013

Mailing address: 19 North 13th Avenue, P.O. Box 339

City: Waite Park State: MN Zip code: 56387

Phone (including area code): 320-252-6822 E-mail: bill.schluez@ci.waitepark.mn.us

**Note:** The application will not be  
processed without certification.

# Stormwater Pollution Prevention Program Document

## I. Partnerships: (Part II.D.1)

- A. List the **regulated small MS4(s)** with which you have established a partnership in order to satisfy one or more requirements of this Permit. Indicate which Minimum Control Measure (MCM) requirements or other program components that each partnership helps to accomplish (List all that apply). Check the box below if you currently have no established partnerships with other regulated MS4s. If you have more than five partnerships, hit the tab key after the last line to generate a new row.

☐ No partnerships with regulated small MS4s

Name and description of partnership	MCM/Other permit requirements involved
Central Minnesota Water Education Alliance (CMWEA)	MCM 1
Stearns County	MCM 3

- B. If you have additional information that you would like to communicate about your partnerships with other regulated small MS4(s), provide it in the space below, or include an attachment to the SWPPP Document, with the following file naming convention: *MS4NameHere\_Partnerships*.

*Central Minnesota Water Education Alliance (CMWEA) is a coalition of central Minnesota MS4's and other organizations that provide educational outreach to promote water quality stewardship. The mission of CMWEA is to develop and implement educational programs that encourage individuals in Central Minnesota to protect water resources by increasing their knowledge and making simple behavior changes. By working in concert, the members of CMWEA are able to provide a consistent water quality educational message.*

*MS4 permitted CMWEA members include the Cities of St. Cloud, Sartell, Sauk Rapids, Waite Park, St. Joseph; Stearns County; St. Joseph Township, Le Sauk Township; St. Cloud State University; and MNDOT. Other members include the Cities of Cold Spring, Melrose, Rockville, Paynesville and Richmond; Stearns County Soil and Water Conservation District; Sauk River Watershed District; and the Sauk River Chain of Lakes Association.*

*CMWEA members are required to sign a membership agreement which includes membership dues and a member participation requirement. Both are critical to ensure maximum benefit to each member and the public. CMWEA is dedicated to assist members meet education requirements through a variety of tools and resources. Members have access to all of CMWEA's past and current education material to use beyond CMWEA's programs and to specifically target additional local education needs. CMWEA annually evaluates its education program to ensure the needs of each member are met and to meet associated permit requirements. Please visit our website for more information: [www.mnwaterconnection.com](http://www.mnwaterconnection.com).*

## II. Description of Regulatory Mechanisms: (Part II.D.2)

### Illicit discharges

- A. Do you have a regulatory mechanism(s) that effectively prohibits non-stormwater discharges into your small MS4, except those non-stormwater discharges authorized under the Permit (Part III.D.3.b.)? ☒ Yes ☐ No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

☒ Ordinance ☐ Contract language  
☐ Policy/Standards ☐ Permits  
☐ Rules  
☐ Other, explain: \_\_\_\_\_

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

*Ordinance 48: Illicit Discharge Detection and Elimination*

Direct link:

[http://www.ci.waitepark.mn.us/vertical/sites/%7B5D6FD4F5-B26A-4C49-8409-EF40E8B71B36%7D/uploads/48\\_ORDINANCE\\_-\\_ILLICIT\\_DISCHARGE\\_DETECTION\\_AND\\_ELIMINATION.pdf](http://www.ci.waitepark.mn.us/vertical/sites/%7B5D6FD4F5-B26A-4C49-8409-EF40E8B71B36%7D/uploads/48_ORDINANCE_-_ILLICIT_DISCHARGE_DETECTION_AND_ELIMINATION.pdf)

☐ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere\_IDDEreg*.

2. If **no**:

Describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

### Construction site stormwater runoff control

A. Do you have a regulatory mechanism(s) that establishes requirements for erosion and sediment controls and waste controls? ☒ Yes ☐ No

1. If **yes**:

a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

☒ Ordinance ☐ Contract language

☐ Policy/Standards ☐ Permits

☐ Rules

☐ Other, explain: \_\_\_\_\_

b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

*Chapter IV: Ordinance 46: Erosion and Sediment Control*

Direct link:

[http://www.ci.waitepark.mn.us/vertical/sites/%7B5D6FD4F5-B26A-4C49-8409-EF40E8B71B36%7D/uploads/46\\_ORDINANCE\\_-\\_EROSION\\_AND\\_SEDIMENT\\_CONTROL.pdf](http://www.ci.waitepark.mn.us/vertical/sites/%7B5D6FD4F5-B26A-4C49-8409-EF40E8B71B36%7D/uploads/46_ORDINANCE_-_EROSION_AND_SEDIMENT_CONTROL.pdf)

☐ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere\_CSWreg*.

B. Is your regulatory mechanism at least as stringent as the MPCA general permit to Discharge Stormwater Associated with Construction Activity (as of the effective date of the MS4 Permit)? ☐ Yes ☒ No

If you answered **yes** to the above question, proceed to C.

If you answered **no** to either of the above permit requirements listed in A. or B., describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

*The City's current ESC ordinance is as least as stringent as the MPCA Construction Stormwater (CSW) permit for most erosion and sediment control and waste control requirements. The city will review and update the current ordinance as necessary to meet and in accordance with permit requirements (Part III.D.4.a). This effort will be completed within 12 months of the date permit coverage is extended.*

C. Answer **yes** or **no** to indicate whether your regulatory mechanism(s) requires owners and operators of construction activity to develop site plans that incorporate the following erosion and sediment controls and waste controls as described in the Permit (Part III.D.4.a.(1)-(8)), and as listed below:

- |  |   |
|--|---|
| 1. Best Management Practices (BMPs) to minimize erosion.   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. BMPs to minimize the discharge of sediment and other pollutants.  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. BMPs for dewatering activities.   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 4. Site inspections and records of rainfall events   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 5. BMP maintenance   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 6. Management of solid and hazardous wastes on each project site.  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 7. Final stabilization upon the completion of construction activity, including the use of perennial vegetative cover on all exposed soils or other equivalent means. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 8. Criteria for the use of temporary sediment basins.  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

*C.3. The City will update their ordinance(s) to require owners and operators of construction activity to incorporate, into site plans, BMPs for dewatering activities which are at least as stringent as the MPCA CSW Permit. This effort will be completed within 12 months of the date permit coverage is extended.*

*C.5. The City will update their ordinance(s) to require owners and operators of construction activity to conduct BMP maintenance to a level which is at least as stringent as the MPCA CSW Permit. This effort will be completed within 12 months of the date permit coverage is extended.*

*C.6. The City will update their ordinance(s) to require owners and operators of construction activity to manage solid and hazardous waste on site to a level which is at least as stringent as the MPCA CSW Permit. This effort will be completed within 12 months of the date permit coverage is extended.*

*C.7. The City currently has requirements for stabilizing exposed soils. The city will review and update their ordinance(s) to require owners and operators of construction activity to conduct final stabilization to a level which is at least as stringent as the MPCA CSW Permit. This effort will be completed within 12 months of the date permit coverage is extended.*

*C.8. The City will update their ordinance(s) to include criteria for the use of temporary sediment basins to a level which is at least as stringent as the MPCA CSW Permit. This effort will be completed within 12 months of the date permit coverage is extended.*

## Post-construction stormwater management

A. Do you have a regulatory mechanism(s) to address post-construction stormwater management activities?

☒ Yes ☐ No

1. If **yes**:

a. Check which type of regulatory mechanism(s) your organization has (check all that apply):

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Ordinance  | <input type="checkbox"/> Contract language |
| <input type="checkbox"/> Policy/Standards      | <input type="checkbox"/> Permits           |
| <input type="checkbox"/> Rules                 |  |
| <input type="checkbox"/> Other, explain: _____ |  |

b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

*Ordinance 52 Section 43: Landscaping*

*Ordinance 52 Section 46: Land, Woodland and Water Preservation*

*Ordinance 58: Subdivision Regulations*

Direct link:

[http://www.ci.waitepark.mn.us/vertical/sites/%7B5D6FD4F5-B26A-4C49-8409-EF40E8B71B36%7D/uploads/Ordinance\\_52.43\\_-\\_Adopted\\_7-15-13.pdf](http://www.ci.waitepark.mn.us/vertical/sites/%7B5D6FD4F5-B26A-4C49-8409-EF40E8B71B36%7D/uploads/Ordinance_52.43_-_Adopted_7-15-13.pdf)

[http://www.ci.waitepark.mn.us/vertical/sites/%7B5D6FD4F5-B26A-4C49-8409-EF40E8B71B36%7D/uploads/Section\\_52.46.pdf](http://www.ci.waitepark.mn.us/vertical/sites/%7B5D6FD4F5-B26A-4C49-8409-EF40E8B71B36%7D/uploads/Section_52.46.pdf)

[http://www.ci.waitepark.mn.us/vertical/sites/%7B5D6FD4F5-B26A-4C49-8409-EF40E8B71B36%7D/uploads/58\\_ORDINANCE\\_-\\_SUBDIVISION.pdf](http://www.ci.waitepark.mn.us/vertical/sites/%7B5D6FD4F5-B26A-4C49-8409-EF40E8B71B36%7D/uploads/58_ORDINANCE_-_SUBDIVISION.pdf)

☐ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere\_PostCSW/reg.*

B. Answer **yes** or **no** below to indicate whether you have a regulatory mechanism(s) in place that meets the following requirements as described in the Permit (Part III.D.5.a.):

- Site plan review:** Requirements that owners and/or operators of construction activity submit site plans with post-construction stormwater management BMPs to the permittee for review and approval, prior to start of construction activity. ☒ Yes ☐ No
- Conditions for post construction stormwater management:** Requires the use of any combination of BMPs, with highest preference given to Green Infrastructure techniques and practices (e.g., infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs, etc.), necessary to meet the following conditions on the site of a construction activity to the Maximum Extent Practicable (MEP):

- a. For new development projects – no net increase from pre-project conditions (on an annual average basis) of: ☐ Yes ☒ No
- 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
  - 2) Stormwater discharges of Total Suspended Solids (TSS).
  - 3) Stormwater discharges of Total Phosphorus (TP).
- b. For redevelopment projects – a net reduction from pre-project conditions (on an annual average basis) of: ☐ Yes ☒ No
- 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
  - 2) Stormwater discharges of TSS.
  - 3) Stormwater discharges of TP.
3. **Stormwater management limitations and exceptions:**
- a. Limitations
- 1) Prohibit the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) when the infiltration structural stormwater BMP will receive discharges from, or be constructed in areas: ☐ Yes ☒ No
    - a) Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
    - b) Where vehicle fueling and maintenance occur.
    - c) With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.
    - d) Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.
  - 2) Restrict the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), without higher engineering review, sufficient to provide a functioning treatment system and prevent adverse impacts to groundwater, when the infiltration device will be constructed in areas: ☐ Yes ☒ No
    - a) With predominately Hydrologic Soil Group D (clay) soils.
    - b) Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features.
    - c) Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13.
    - d) Where soil infiltration rates are more than 8.3 inches per hour.
  - 3) For linear projects where the lack of right-of-way precludes the installation of volume control practices that meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), the permittee's regulatory mechanism(s) may allow exceptions as described in the Permit (Part III.D.5.a(3)(b)). The permittee's regulatory mechanism(s) shall ensure that a reasonable attempt be made to obtain right-of-way during the project planning process. ☐ Yes ☒ No
4. **Mitigation provisions:** The permittee's regulatory mechanism(s) shall ensure that any stormwater discharges of TSS and/or TP not addressed on the site of the original construction activity are addressed through mitigation and, at a minimum, shall ensure the following requirements are met:
- a. Mitigation project areas are selected in the following order of preference: ☐ Yes ☒ No
    - 1) Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
    - 2) Locations within the same Minnesota Department of Natural Resource (DNR) catchment area as the original construction activity.
    - 3) Locations in the next adjacent DNR catchment area up-stream
    - 4) Locations anywhere within the permittee's jurisdiction.
  - b. Mitigation projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP. ☐ Yes ☒ No
  - c. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet mitigation requirements of this part. ☐ Yes ☒ No
  - d. Mitigation projects shall be completed within 24 months after the start of the original construction activity. ☐ Yes ☒ No
  - e. The permittee shall determine, and document, who will be responsible for long-term maintenance on all mitigation projects of this part. ☐ Yes ☒ No
  - f. If the permittee receives payment from the owner and/or operator of a construction activity ☐ Yes ☒ No

for mitigation purposes in lieu of the owner or operator of that construction activity meeting the conditions for post-construction stormwater management in Part III.D.5.a(2), the permittee shall apply any such payment received to a public stormwater project, and all projects must be in compliance with Part III.D.5.a(4)(a)-(e).

5. **Long-term maintenance of structural stormwater BMPs:** The permittee's regulatory mechanism(s) shall provide for the establishment of legal mechanisms between the permittee and owners or operators responsible for the long-term maintenance of structural stormwater BMPs not owned or operated by the permittee, that have been implemented to meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)). This only includes structural stormwater BMPs constructed after the effective date of this permit and that are directly connected to the permittee's MS4, and that are in the permittee's jurisdiction. The legal mechanism shall include provisions that, at a minimum:
- a. Allow the permittee to conduct inspections of structural stormwater BMPs not owned or operated by the permittee, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the permittee determines that the owner and/or operator of that structural stormwater BMP has not conducted maintenance. ☐ Yes ☒ No
  - b. Include conditions that are designed to preserve the permittee's right to ensure maintenance responsibility, for structural stormwater BMPs not owned or operated by the permittee, when those responsibilities are legally transferred to another party. ☐ Yes ☒ No
  - c. Include conditions that are designed to protect/preserve structural stormwater BMPs and site features that are implemented to comply with the Permit (Part III.D.5.a(2)). If site configurations or structural stormwater BMPs change, causing decreased structural stormwater BMP effectiveness, new or improved structural stormwater BMPs must be implemented to ensure the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) continue to be met. ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within twelve (12) months of the date permit coverage is extended, these permit requirements are met:

*B.2.a -b: The City currently requires that drainage design and stormwater management meet the standards and specifications of the Soil Conservation District, as provided by Stearns County Soil and Water Conservation District Office, and be approved by the City Engineer. The city will update their ordinance(s) as necessary to include requirements for the post construction management of volume, total suspended solids, and total phosphorous in accordance with permit requirements (Part III.D.5.a(2)). This effort will be completed within 12 months of the date permit coverage is extended.*

*B.3.a.1-3: The City will amend their ordinance(s) as necessary to include limitations (prohibiting, restricting, and exceptions) for infiltration to address post-construction stormwater management, in accordance with Permit requirements (Part III.D.5.a (3)). This effort will be completed within 12 months of the date permit coverage is extended.*

*B.4.a-f: The City will amend their ordinance(s) as necessary to address mitigation for post construction stormwater management of TSS and/or TP in accordance with permit requirements (Part III.D.5.a(4)). This effort will be completed within 12 months of the date permit coverage is extended.*

*B.5.a-c: The city will develop or updated existing regulatory mechanisms to provide for the establishment of a legal mechanisms between the city and owners and operators responsible for long-term maintenance of privately owned and operated structural BMPs in accordance with permit requirements (Part III.5.a.(5)). This effort will be completed within 12 months of the date permit coverage is extended.*

### III. Enforcement Response Procedures (ERPs): (Part II.D.3)

- A. Do you have existing ERPs that satisfy the requirements of the Permit (Part III.B.)? ☒ Yes ☐ No
- 1. If **yes**, attach them to this form as an electronic document, with the following file naming convention: *MS4NameHere\_ERPs*.
  - 2. If **no**, describe the tasks and corresponding schedules that will be taken to assure that, with twelve (12) months of the date permit coverage is extended, these permit requirements are met:

- B. Describe your ERPs:

*Chapter IV: Ordinance 46: Erosion and Sediment Control*

*The city may issues stop work orders, issue violations or penalties, and charge fees. Violations of the ordinance are deemed guilty of a misdemeanor.*

*Ordinance 52: Zoning, Land use and Building Regulations*

*The city may issue written notifications, and order discontinuance of illegal use of land, buildings, or structures, to ensure compliance with or to prevent violation.*

*Ordinance 58: Subdivision Regulations*

*The city may issue violations. Violations are considered a misdemeanor, punishable by a fine or imprisonment, or both. The city can take other lawful action as necessary to prevent or remedy any violation, such as administrative citations.*

#### IV. Storm Sewer System Map and Inventory: (Part II.D.4.)

A. Describe how you manage your storm sewer system map and inventory:

*The City's storm sewer system map is currently maintained in an AutoCAD format and includes the city's stormwater conveyance system, ponds, water bodies, and outfalls. The map is reviewed and updated annually with the assistance of the city's engineering consultant firm.*

B. Answer **yes** or **no** to indicate whether your storm sewer system map addresses the following requirements from the Permit (Part III.C.1.a-d), as listed below:

1. The permittee's entire small MS4 as a goal, but at a minimum, all pipes 12 inches or greater in diameter, including stormwater flow direction in those pipes. ☐ Yes ☒ No
2. Outfalls, including a unique identification (ID) number assigned by the permittee, and an associated geographic coordinate. ☐ Yes ☒ No
3. Structural stormwater BMPs that are part of the permittee's small MS4. ☐ Yes ☒ No
4. All receiving waters. ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

*B.1 The City's current map includes all pipes and conveyances greater than or equal to 24 inches and the majority of the pipes and conveyances 12 inches to 24 inches. All mapped conveyances include flow direction arrows. The city will review and update the map to include all pipes 12 inches or greater in diameter in accordance with permit requirements (Part III.C.1.a). This effort will be completed within 12 months of the date permit coverage is extended.*

*B.2: The City's current map shows outfalls, but does not include a unique identification number or geographic coordinates for each. The City will update the stormwater system map to include unique identification numbers and geographic coordinates for each outfall in accordance with permit requirements (Part III.C.1.b). This effort will be completed within 12 months of the date permit coverage is extended.*

*B.3-4: The city will review the current map for accuracy and completeness making sure the City's structural stormwater BMPs and all receiving waters are included on the map, in accordance with permit requirements (Part III.C.1.c-d). This effort will be completed within 12 months of the date permit coverage is extended.*

C. Answer **yes** or **no** to indicate whether you have completed the requirements of 2009 Minnesota Session Law, Ch. 172. Sec. 28: with the following inventories, according to the specifications of the Permit (Part III.C.2.a.-b.), including:

1. All ponds within the permittee's jurisdiction that are constructed and operated for purposes of water quality treatment, stormwater detention, and flood control, and that are used for the collection of stormwater via constructed conveyances. ☐ Yes ☒ No
2. All wetlands and lakes, within the permittee's jurisdiction, that collect stormwater via constructed conveyances. ☐ Yes ☒ No

D. Answer **yes** or **no** to indicate whether you have completed the following information for each feature inventoried.

1. A unique identification (ID) number assigned by the permittee. ☐ Yes ☒ No
2. A geographic coordinate. ☐ Yes ☒ No
3. Type of feature (e.g., pond, wetland, or lake). This may be determined by using best professional judgment. ☐ Yes ☒ No

If you have answered **yes** to all above requirements, and you have already submitted the Pond Inventory Form to the MPCA, then you do not need to resubmit the inventory form below.

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

*C.1-2 & D1-3: The City will complete an inventory of all stormwater treatment ponds, wetlands, and lakes within the City's jurisdiction. The inventory will include at a minimum, unique identification numbers, geographic coordinates, and type of feature, in accordance with permit requirements (Part III.C.2). This effort will be completed within 12 months of*



*the date permit coverage is extended.*

- E. Answer **yes** or **no** to indicate if you are attaching your pond, wetland and lake inventory to the MPCA ☐ Yes ☒ No on the form provided on the MPCA website at: <http://www.pca.state.mn.us/ms4> , according to the specifications of Permit (Part III.C.2.b.(1)-(3)). Attach with the following file naming convention: *MS4NameHere\_inventory*.

If you answered **no**, the inventory form must be submitted to the MPCA MS4 Permit Program within 12 months of the date permit coverage is extended.

## V. Minimum Control Measures (MCMs) (Part II.D.5)

### A. MCM1: Public education and outreach

1. The Permit requires that, within 12 months of the date permit coverage is extended, existing permittees revise their education and outreach program that focuses on illicit discharge recognition and reporting, as well as other specifically selected stormwater-related issue(s) of high priority to the permittee during this permit term. Describe your **current** educational program, including **any high-priority topics included**:

*The City's current education program is implemented through two different approaches:*

#### *1) The Central MN Water Education Alliance (CMWEA)*

*CMWEA, as described in the partnership section, is utilized to meet the established BMPs shown below. CMWEA is dedicated to developing and implementing educational programs that encourage individuals in Central Minnesota to protect water resources by increasing their knowledge and making simple behavior changes. CMWEA is operated through membership dues, member staff participation, grants, sponsorship and in-kind support. The annual education program has consisted of:*

*-Annual top 10 water protection tips (high priority topics as chosen by the members)*

*-Media ad campaign based on the top 10 list which includes various print media, radio ads, videos on local cable channels and billboard*

*-High School TV Ad Contest*

*-Social Media (Facebook)*

*-Website which includes the top 10, blog, member contact information, promotional tools, outreach, and lots of education information and links.*

*-Traveling Education Booth and Library that shows up a several area events and workshops*

*-Rain barrel and compost bin sale*

*-Handouts (brochures, member material & info, seed packets, etc)*

#### *2) Direct City modes.*

*In addition to CMWEA, the City of Waite Park implements an extended education program which includes:*

*-Distribution of education materials posted at City Hall. (Material generated from CMWEA is often used)*

*-Maintaining city website which includes water resources information and links, including:*

*Information on yard waste/brush drop off site and curb side pick up.*

*Illicit Discharge Detection and Elimination*

*Pollution Prevention*

*Used oil Recycling Locations*

*Links to City Ordinances and SWPPP*

*Links to water resources information and websites, such as: CMWEA and EPA Water: "After the Storm"*

*-Support of local water festivals*

-Working with citizen and volunteer groups as requested to help keep riverbank banks and ponds clean. City has been discussing and would like to explore the possibility of implementing an official adopt-a-pond program.

-Coordination of semi-annual large item garbage pickup.

-Coordination of yard waste/brush disposal pickup/drop off.

The City intends to continue implementing a similar education program as described above

The City's current education efforts emphasize illicit discharges, construction site runoff, and post construction stormwater management. The city will work in conjunction with CMWEA to identify areas of priority to focus education efforts on moving forward.

2. List the categories of BMPs that address your public education and outreach program, including the distribution of educational materials and a program implementation plan. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the U.S. Environmental Protection Agency's (EPA) *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Distribution of Educational Material	Annually: Review and update information
	Annually: Review and update information
	Ongoing: Post IDDE reporting information
City Website	Ongoing: Maintain links to city specific and other additional water resources information
Local Watershed Festivals	Annually: Continue to support local watershed festivals
	Ongoing: Continue to work with citizen and volunteer groups as requested.
River Bank / Pond Cleanup Programs	Semi-Annually: Continue to implement large item garbage pickup.
	Annually: Continue to provide yard waste/brush drop of and pickup options.
Garbage / Yard Waste Drop Off / Pick up Programs	
BMP categories to be implemented	Measurable goals and timeframes
	BMP Description: Continue to be a member of the Central Minnesota Water Education Alliance (CMWEA) and comply with its membership agreement.
	Measureable Goals 1) Within 2 months of receiving the annual CMWEA membership agreement, it will be signed and returned to CMWEA.
	Timeline/Implementation Schedule: Annually: Renew CMWEA membership Annually: Meet membership requirements Annually: Participate in CMWEA to ensure it helps meet the needs of our MS4
Central Minnesota Water Education Alliance (CMWEA)	
	BMP Description: Continue to be a member of the Central Minnesota Water Education Alliance (CMWEA) and support the use of its website to spread education messages.
	Measureable Goals Promote CMWEA's website with a goal of it reaching 50,000 hits annually CMWEA will add specific illicit discharge recognition and reporting to its website Review the website for updates at least twice a year
	Timeline/Implementation Schedule: Annually: Provide a link on our local website to CMWEA's website. Within 3 months of all members having an approved SWPPP document, the website will be updated on recognition and reporting of illicit discharges – we will provide information to CMWEA as requested. Twice a year, review and update the website with new, relevant information.
CMWEA: Website	

	<p>BMP Description: Continue to be a member of the Central Minnesota Water Education Alliance (CMWEA) and support/participate in the annual education campaign. Annually CMWEA will implement an education campaign/program.</p> <p>CMWEA annually reviews its program elements to ensure the campaign meets the high priority needs of its members and covers new education topics. The campaign is also adjusted to achieve the highest education value by reviewing different marketing strategies and education opportunities to impact intended target audiences. Therefore, CMWEA's education program changes over time.</p> <p>Measureable Goals CMWEA has a goal of being represented at 3 area events annually CMWEA has a goal of providing education through 3 different marketing/campaign tactics CMWEA provides at least 2 opportunities for member input on the annual campaign</p> <p>Timeline/Implementation Schedule: Annually: Provide input on CMWEA's education campaign to ensure our high priority needs are emphasized Within 6 months of all members having an approved SWPPP document, the current education program elements will be reviewed, updated and modified. This process has started with the reissuance of this permit.</p>
CMWEA: Education Campaign	
River Bank / Pond Cleanup Programs	Explore the possibility of implementing an official adopt-a-pond program within this permit cycle.
Documentation	Within 12 months of the date permit coverage is extended: Update program to include documentation requirements in accordance with permit requirements (Part III.D.1.c).

3. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

*Public Works Director*

## B. MCM2: Public participation and involvement

1. The Permit (Part III.D.2.a.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement a public participation/involvement program to solicit public input on the SWPPP. Describe your current program:

*The city holds an annual public meeting to review program details and program progress with the public. The meeting also provides an opportunity for the public to give input and/or ask questions. The meeting is noticed in the local paper following applicable public notice requirements. The city takes into consideration both written and verbal forms of public input at the meeting and throughout the year. The city maintains a point of contact and phone number for use by the public to report illicit discharges, report stormwater noncompliance concerns, and/or provide input, give comments, and/or ask questions about the MS4 program. Contact information is provided on the City's website.*

*The City posts its SWPPP and other water resources information on its website for the public to access at any time. The City also makes the SWPPP and other permit related information available at City Hall during regular business hours.*

2. List the categories of BMPs that address your public participation/involvement program, including solicitation and documentation of public input on the SWPPP. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Public Meeting	Annually: Continue to hold public meeting following applicable public notice requirements.
	Ongoing: Continue to post SWPPP and other water resources information on the City's website.
	Ongoing: Continue to provide reporting and comment contact information on City's website.
SWPPP and Permit Document Access	Ongoing: Continue to provide SWPPP and other permit

	documents as requested.
<b>BMP categories to be implemented</b>	<b>Measurable goals and timeframes</b>
Documentation	Within 12 months of the date permit coverage is extended: Update program to include documentation requirements in accordance with permit requirements (Part III.D.2.b).

3. Do you have a process for receiving and documenting citizen input? ☒ Yes ☐ No

If you answered **no** to the above permit requirement, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

*Public Works Director*

### C. MCM 3: Illicit discharge detection and elimination

1. The Permit (Part III.D.3.) requires that, within 12 months of the date permit coverage is extended, existing permittees revise their current program as necessary, and continue to implement and enforce a program to detect and eliminate illicit discharges into the small MS4. Describe your current program:

*The City maintains and annually updates a Storm Sewer System Map. The map is currently maintained in an AutoCAD format and includes the stormwater conveyance system, ponds, water bodies, wetlands, and outfalls.*

*The City has an IDDE ordinance which prohibits non-stormwater discharges into the storm sewer system.*

*The City conducts regular inspections of its stormwater system and conducts site specific inspections as reports are received. The city completes dry weather inspections of, at a minimum, 20% of the storm sewer system outfalls, as well as pond inlets and outlets each year. City staff is watchful for signs of illicit discharges while conducting daily activities and continually explores opportunities to expand existing inspection programs to identify illicit connections and illegal dumping.*

*The City maintains a point of contact at City Hall during regular business hours and a phone number on their website for reporting illicit discharges 24 hours a day. Illicit discharge reporting and disposal, pollution prevention, and used oil recycling information are provided on the city's website.*

*The City annually reviews sources of non-stormwater discharges or flows to evaluate the significance of each potential source. The city addresses ISTS inspections through the Stearns County Program.*

*The City conducts site plan reviews and takes precautions during construction in the Well Head Protection Area (WHPA) to prevent infiltration or introduction of potential contaminants. The City utilizes MDH documents for guidance and is currently in the process of updating its wellhead protection plan.*

2. Does your Illicit Discharge Detection and Elimination Program meet the following requirements, as found in the Permit (Part III.D.3.c.-g.)?

- |  |   |
|--|---|
| a. Incorporation of illicit discharge detection into all inspection and maintenance activities conducted under the Permit (Part III.D.6.e.-f.)Where feasible, illicit discharge inspections shall be conducted during dry-weather conditions (e.g., periods of 72 or more hours of no precipitation).  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| b. Detecting and tracking the source of illicit discharges using visual inspections. The permittee may also include use of mobile cameras, collecting and analyzing water samples, and/or other detailed procedures that may be effective investigative tools.   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| c. Training of all field staff, in accordance with the requirements of the Permit (Part III.D.6.g.(2)), in illicit discharge recognition (including conditions which could cause illicit discharges), and reporting illicit discharges for further investigation.  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| d. Identification of priority areas likely to have illicit discharges, including at a minimum, evaluating land use associated with business/industrial activities, areas where illicit discharges have been identified in the past, and areas with storage of large quantities of significant materials that could result in an illicit discharge. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| e. Procedures for the timely response to known, suspected, and reported illicit discharges.  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

- f. Procedures for investigating, locating, and eliminating the source of illicit discharges. ☐ Yes ☒ No
- g. Procedures for responding to spills, including emergency response procedures to prevent spills from entering the small MS4. The procedures shall also include the immediate notification of the Minnesota Department of Public Safety Duty Officer, if the source of the illicit discharge is a spill or leak as defined in Minn. Stat. § 115.061. ☐ Yes ☒ No
- h. When the source of the illicit discharge is found, the permittee shall use the ERPs required by the Permit (Part III.B.) to eliminate the illicit discharge and require any needed corrective action(s). ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

*C.2.c The City will implement a staff training program which will include information on IDDE in accordance with permit requirements (Part III.D.3.e). This effort will be completed within 12 months of the date permit coverage is extended.*

*C.2.d The City will expand its annual review of potential sources of non-stormwater discharges or flows to include the identification of priority areas likely to have illicit discharges in accordance with permit requirements (Part III.D.3.f). This effort will be completed within 12 months of the date permit coverage is extended.*

*C.2.e-g-The City will develop procedures for the timely response to known, suspected, and reported illicit discharges to meet permit requirements (Part III.D.3.g). This effort will be completed within 12 months of the date permit coverage is extended.*

3. List the categories of BMPs that address your illicit discharge, detection and elimination program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

**If you have more than five categories**, hit the tab key after the last line to generate a new row.

<b>Established BMP categories</b>	<b>Measurable goals and timeframes</b>
Storm Sewer System Map	Annually: Review and update.
Ordinance	Ongoing: Continue to enforce ordinance requirements. Annually: Review and update as needed.
Detection and Elimination	Ongoing: Respond/ inspect reports of illicit discharges. Annually: Inspect of 20% of outfalls and ponds. Ongoing: Maintain a point of contact at City Hall and 24 hour illicit discharge reporting phone number on website. Ongoing: Provide illicit discharge reporting and disposal information on website. Ongoing: ISTS inspections through Stearns County Program. Annually: Review and update Detection and Elimination program as needed.
Identification of Non Stormwater Discharges and Flows	Annually: Evaluate the significance of each potential non-stormwater source.
Source Water Protection Area	Ongoing: Continue to conduct proper site plan reviews and take precautions during construction in the Well Head Protection Area (WHPA).
<b>BMP categories to be implemented</b>	<b>Measurable goals and timeframes</b>
Storm Sewer System Map	Within 12 months of the date permit coverage is extended: Review and update as necessary to meet permit requirements (Part III.D.3.a).
Ordinance	Within 12 months of the date permit coverage is extended: Review and update as necessary to meet permit requirements (Part III.D.3.b).
Detection and Elimination	Within 12 months of the date permit coverage is extended: Develop procedures for the timely response to illicit discharges to meet permit requirements (Part III.D.3.g)
Illicit Discharge Information Program	Within 12 months of the date permit coverage is extended: Implement a staff training program which will include information on IDDE in accordance with permit requirements (Part III.D.3.e)
Identification of Non Stormwater Discharges and Flows	Within 12 months of the date permit coverage is extended: include the identification of priority areas likely to have illicit discharges in accordance with the permit (Part III.D.3.f).

	Annually: Review and update priority areas as necessary. Within 12 months of the date permit coverage is extended: Update program to include documentation requirements in accordance with permit requirements (Part III.D.3.h).
Documentation	

4. Do you have procedures for record-keeping within your Illicit Discharge Detection and Elimination (IDDE) program as specified within the Permit (Part III.D.3.h.)? ☐ Yes ☒ No

If you answered **no**, indicate how you will develop procedures for record-keeping of your Illicit Discharge, Detection and Elimination Program, within 12 months of the date permit coverage is extended:

*C.4 The City will develop a documentation process to meet permit requirements (Part III.D.3.h). This effort will be completed within 12 months of the date permit coverage is extended.*

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

*Public Works Director*

#### **D. MCM 4: Construction site stormwater runoff control**

1. The Permit (Part III.D.4) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a construction site stormwater runoff control program. Describe your current program:

*The City has an ESC ordinance which establishes requirements for erosion and sediment controls on construction sites. The city's education program, permitting process, and ordinances ensure the use of appropriate planning tools, ESC BMPs, and waste controls on construction sites. The city provides education information to contractors and developers through its Public Education and Outreach program.*

*The city's procedures for site plan review include review and approval by city staff and/or consultant.*

*The city maintains a phone number on their website for the public to provide input, report noncompliance and/or other construction site stormwater information 24 hours a day.*

*The city currently inspects construction sites to review compliance with code and permit requirements. The city's ordinance also requires contractors to conduct regular site and rainfall inspections.*

2. Does your program address the following BMPs for construction stormwater erosion and sediment control as required in the Permit (Part III.D.4.b.):

- a. Have you established written procedures for site plan reviews that you conduct prior to the start of construction activity? ☐ Yes ☒ No
- b. Does the site plan review procedure include notification to owners and operators proposing construction activity that they need to apply for and obtain coverage under the MPCA's general permit to *Discharge Stormwater Associated with Construction Activity No. MN R100001*? ☒ Yes ☐ No
- c. Does your program include written procedures for receipt and consideration of reports of noncompliance or other stormwater related information on construction activity submitted by the public to the permittee? ☐ Yes ☒ No
- d. Have you included written procedures for the following aspects of site inspections to determine compliance with your regulatory mechanism(s):
  - 1) Does your program include procedures for identifying priority sites for inspection? ☐ Yes ☒ No
  - 2) Does your program identify a frequency at which you will conduct construction site inspections? ☐ Yes ☒ No
  - 3) Does your program identify the names of individual(s) or position titles of those responsible for conducting construction site inspections? ☐ Yes ☒ No
  - 4) Does your program include a checklist or other written means to document construction site inspections when determining compliance? ☐ Yes ☒ No
- e. Does your program document and retain construction project name, location, total acreage to be disturbed, and owner/operator information? ☒ Yes ☐ No
- f. Does your program document stormwater-related comments and/or supporting information used to determine project approval or denial? ☒ Yes ☐ No
- g. Does your program retain construction site inspection checklists or other written materials used to document site inspections? ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

*D.2.a The city has a site plan review process; however, there are currently no written procedures for this process. The City will update its site plan review process to include written procedures, notifications, and documentation requirements in accordance with permit requirements (Part III.D.4.b & f). This effort will be completed within 12 months of the date permit coverage is extended.*



*D.2.c The city has a process for the receipt and consideration of construction site noncompliance reports and other stormwater related input; however, there are currently no written procedures for this process. The city will update its program for receipt and consideration of public stormwater reports to include written procedures in accordance with permit requirements (Part III.D.4.c). This effort will be completed within 12 months of the date permit coverage is extended.*

*D.2. d.1-4 The city has a process for site inspections; however, there are currently no written procedures for this process. The city will update its current site inspection process to include written procedures and documentation requirements in accordance with permit requirements (Part III.D.4.d & f). This effort will be completed within 12 months of the date permit coverage is extended.*

- List the categories of BMPs that address your construction site stormwater runoff control program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Ordinance	Ongoing: Continue to enforce ordinance requirements. Annually: Review and update as needed.
Site Plan Review	Ongoing: Implement permit process and review site plans for compliance with city ordinances and permits.
Receipt and Consideration of Stormwater Noncompliance Reports.	Ongoing: Maintain a 24 hour contact for reporting noncompliance. Ongoing: Provide reporting contact information on city website.
Site Inspections and Enforcement	Ongoing: Conduct inspections for compliance with city ordinances and permits.

BMP categories to be implemented	Measurable goals and timeframes
Ordinance	Within 12 months of the date permit coverage is extended: Review and update as necessary to meet permit requirements (Part III.D.4.a).
Site Plan Review	Within 12 months of the date permit coverage is extended: Develop written procedures for the city's site plan review process in accordance with permit requirements (Part III.D.4.b & f)
Receipt and Consideration of Stormwater Noncompliance Reports.	Within 12 months of the date permit coverage is extended: Develop written procedures for receipt and consideration of construction site noncompliance reports in accordance with permit requirements (Part III.D.4.c & f)
Site Inspections and Enforcement	Within 12 months of the date permit coverage is extended: Develop written procedures and checklists for conducting site inspections in accordance with permit requirements (Part III.D.4.d & f).
Documentation	Within 12 months of the date permit coverage is extended: Update program to include documentation requirements in accordance with permit requirements (Part III.D.4.f).

- Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Public Works Director

## E. MCM 5: Post-construction stormwater management

- The Permit (Part III.D.5.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a post-construction stormwater management program. Describe your current program:

*The City has ordinances which establish requirements for post construction stormwater management. The City currently requires that drainage design and stormwater management meet the standards and specifications of the Soil Conservation District, as provided by Stearns County Soil and Water Conservation District Office, and be approved by the City Engineer.*

*The city's procedures for site plan review include review and approval by city staff and/or consultant*

- Have you established written procedures for site plan reviews that you will conduct prior to the start of ☐ Yes ☒ No

construction activity?

3. Answer **yes** or **no** to indicate whether you have the following listed procedures for documentation of post-construction stormwater management according to the specifications of Permit (Part III.D.5.c.):
- a. Any supporting documentation that you use to determine compliance with the Permit (Part III.D.5.a), including the project name, location, owner and operator of the construction activity, any checklists used for conducting site plan reviews, and any calculations used to determine compliance? ☒ Yes ☐ No
  - b. All supporting documentation associated with mitigation projects that you authorize? ☐ Yes ☒ No
  - c. Payments received and used in accordance with Permit (Part III.D.5.a.(4)(f))? ☐ Yes ☒ No
  - d. All legal mechanisms drafted in accordance with the Permit (Part III.D.5.a.(5)), including date(s) of the agreement(s) and names of all responsible parties involved? ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the steps that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

*E.2 The city has a site plan review process; however, there are currently no written procedures for this process. The City will update its site plan review process to include written procedures in accordance with permit requirements (Part III.D.5.b). This effort will be completed within 12 months of the date permit coverage is extended.*

*E.3.b-c The city currently does not allow for mitigation provisions to meet post construction stormwater requirements. The city will review its current requirements and assess whether or not to add mitigation provisions in accordance with permit requirements (Part III.D.5.a.(4)). This effort will be completed within 12 months of the date permit coverage is extended.*

*E.3.d The city currently does not enter into legal agreements with owners or operators responsible for the long term maintenance of privately owned and operated structural stormwater BMPs. The city will develop or updated existing regulatory mechanism(s) to provide for the establishment of legal mechanisms between the city and owners and operators responsible for long-term maintenance of privately owned and operated structural BMPs in accordance with permit requirements (Part III.5.a.(5)). This effort will be completed within 12 months of the date permit coverage is extended.*

4. List the categories of BMPs that address your post-construction stormwater management program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Ordinance	Ongoing: Continue to enforce ordinance requirements. Annually: Review and update as needed.
Site Plan Review	Ongoing: Implement permit process and review site plans for compliance with city ordinances and permits.

BMP categories to be implemented	Measurable goals and timeframes
Ordinance	Within 12 months of the date permit coverage is extended: Review and update as necessary to meet permit requirements (Part III.D.5.a).
Site Plan Review	Within 12 months of the date permit coverage is extended: Develop written procedures for the city's site plan review process in accordance with permit requirements (Part III.D.5.b)
Documentation	Within 12 months of the date permit coverage is extended: Update program to include documentation requirements in accordance with permit requirements (Part III.D.5.c).



5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

*Public Works Director*

**F. MCM 6: Pollution prevention/good housekeeping for municipal operations**

1. The Permit (Part III.D.6.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement an operations and maintenance program that prevents or reduces the discharge of pollutants from the permittee owned/operated facilities and operations to the small MS4. Describe your current program:

*The city's public works staff is involved with the day to day operations and maintenance of public infrastructure and properties. City staff is an integral part of protecting water quality in receiving waters.*

*The following practices are implemented throughout the City facilities:*

*Storage of salt under shelter roofs*

*Recycling of used oil*

*Readily accessible materials for spill and accident clean up at facilities*

*Conduct vehicle maintenance in covered garages.*

*The city conducts regular inspections of its stormwater system. Staff inspects, at a minimum, 20% of the storm sewer system outfalls, as well as pond inlets and outlets each year. Staff inspects stormwater ponds for erosion and other maintenance needs during weed management operations. The city conducts regular inspections and maintenance on the entire storm sewer system as needed. The city works with citizen and volunteer groups to help keep river banks and ponds clean. The city wants to explore the possibility of implementing an official adopt-a-pond program.*

*The city currently inspects material stockpiles and handling areas on an annual basis.*

*The city implements a street sweeping program for vehicle safety, pedestrian safety, water quality, and environmental reasons. Street sweeping is conducted on an ongoing and on an as needed basis.*

*The City conducts site plan reviews and takes precautions during construction in the Well Head Protection Area (WHPA) to prevent infiltration or introduction of potential contaminants. The City utilizes MDH documents for guidance and is currently in the process of updating its wellhead protection plan.*

2. Do you have a facilities inventory as outlined in the Permit (Part III.D.6.a.)? ☐ Yes ☒ No
3. If you answered **no** to the above permit requirement in question 2, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

*F.3 The City will develop a facilities inventory to include city-owned facilities which contribute pollutants to stormwater discharges in accordance with permit requirements (Part III.6.a). This effort will be completed within 12 months of the date permit coverage is extended.*

4. List the categories of BMPs that address your pollution prevention/good housekeeping for municipal operations program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. For an explanation of measurable goals, refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

**If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Municipal Operations	Annually: Review, update, and implement BMPs for city facilities and municipal operations,
Street Sweeping	Ongoing: Track time, distance or pounds of sediment while conducting street sweeping.
	Annually: 20% of outfalls and ponds. Annually: Structural stormwater BMPs Quarterly: Increase inspections of material stock pile and handling areas to at least quarterly.
Inspection	Ongoing: Respond/ inspect reports stormwater system issues. Annually: Review and update inspection frequency as needed.
Maintenance Measures	Ongoing: Conduct maintenance as required with site inspection findings and received reports.

BMP categories to be implemented	Measurable goals and timeframes
Facility Inventory	Within 12 months of the date permit coverage is extended: Develop facilities inventory to meet permit requirements (Part III.6.a).
Municipal Operations	Within 12 months of the date permit coverage is extended: Evaluate existing facility BMPs and develop a schedule for revising and implementing additional BMPs if needed.
Well Head Protection	Within 12 months of the date permit coverage is extended: Evaluate existing and potential source water protection BMPs and develop a schedule for revising and implementing additional BMPs if needed. Incorporate applicable items identified in the city's well head protection program.
Pond Assessment	Within 12 months of the date permit coverage is extended: Develop procedures and schedule to determine pond effectiveness to meet the permit (Part III.6.d)
Training	Within 12 months of the date permit coverage is extended: develop a staff training program to meet permit requirements (Part III.D.6.g)
Documentation	Within 12 months of the date permit coverage is extended: Update program to include documentation requirements in accordance with permit requirements (Part III.D.6.h).

5. Does discharge from your MS4 affect a Source Water Protection Area (Permit Part III.D.6.c.)? ☒ Yes ☐ No

a. If **no**, continue to 6.

b. If **yes**, the Minnesota Department of Health (MDH) is in the process of mapping the following items. Maps are available at <http://www.health.state.mn.us/divs/eh/water/swp/maps/index.htm>. Is a map including the following items available for your MS4:

1) Wells and source waters for drinking water supply management areas identified as vulnerable under Minn. R. 4720.5205, 4720.5210, and 4720.5330? ☒ Yes ☐ No

2) Source water protection areas for surface intakes identified in the source water assessments conducted by or for the Minnesota Department of Health under the federal Safe Drinking Water Act, U.S.C. §§ 300j – 13? ☒ Yes ☐ No

c. Have you developed and implemented BMPs to protect any of the above drinking water sources? ☐ Yes ☒ No

6. Have you developed procedures and a schedule for the purpose of determining the TSS and TP treatment effectiveness of all permittee owned/operated ponds constructed and used for the collection and treatment of stormwater, according to the Permit (Part III.D.6.d.)? ☐ Yes ☒ No

7. Do you have inspection procedures that meet the requirements of the Permit (Part III.D.6.e.(1)-(3)) for structural stormwater BMPs, ponds and outfalls, and stockpile, storage and material handling areas? ☐ Yes ☒ No

8. Have you developed and implemented a stormwater management training program commensurate with each employee's job duties that:

a. Addresses the importance of protecting water quality? ☐ Yes ☒ No

b. Covers the requirements of the permit relevant to the duties of the employee? ☐ Yes ☒ No

c. Includes a schedule that establishes initial training for new and/or seasonal employees and recurring training intervals for existing employees to address changes in procedures, practices, techniques, or requirements? ☐ Yes ☒ No

9. Do you keep documentation of inspections, maintenance, and training as required by the Permit (Part III.D.6.h.(1)-(5))? ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements listed in **Questions 5 – 9**, then describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

*F.5.c The city is currently updating their wellhead protection plan. The city will evaluate existing and potential source water protection BMPs and develop a schedule for revising and/or implementing additional BMPs if needed, in accordance with permit requirements (Part III.D.6.c) This effort will be completed within 12 months of the date permit coverage is extended.*

*F.6 The city will develop procedures and schedules for determining the TSS and TP effectiveness of city owned/operated ponds in accordance with permit requirements (Part III.D.6.d). This effort will be completed within 12 months of the date permit coverage is extended.*

*F.7 The city will review and update its current inspection program as needed in accordance with permit requirements (Part III.D.6.e). This effort will be completed within 12 months of the date permit coverage is extended.*

*F.8.a-c The city will implement a staff training program in accordance with permit requirements (Part III.D.6.g). This effort will be completed within 12 months of the date permit coverage is extended.*

*F.9 The city will develop documentation requirements in accordance with the permit (Part III.D.6.h). This effort will be completed within 12 months of the date permit coverage is extended.*

10. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

*Public Works Director*

## VI. Compliance Schedule for an Approved Total Maximum Daily Load (TMDL) with an Applicable Waste Load Allocation (WLA) (Part II.D.6.)

- A. Do you have an approved TMDL with a Waste Load Allocation (WLA) prior to the effective date of the Permit? ☐ Yes ☒ No

1. If **no**, continue to section VII.
2. If **yes**, fill out and attach the MS4 Permit TMDL Attachment Spreadsheet with the following naming convention: *MS4NameHere\_TMDL*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

## VII. Alum or Ferric Chloride Phosphorus Treatment Systems (Part II.D.7.)

- A. Do you own and/or operate any Alum or Ferric Chloride Phosphorus Treatment Systems which are regulated by this Permit (Part III.F.)? ☐ Yes ☒ No

1. If **no**, this section requires no further information.
2. If **yes**, you own and/or operate an Alum or Ferric Chloride Phosphorus Treatment System within your small MS4, then you must submit the Alum or Ferric Chloride Phosphorus Treatment Systems Form supplement to this document, with the following naming convention: *MS4NameHere\_TreatmentSystem*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

## VIII. Add any Additional Comments to Describe Your Program

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ORDINANCE 48      ILLICIT DISCHARGE DETECTION AND ELIMINATION

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**Section 48.1. Intent, Purpose.** The purpose of this Ordinance is to:

Control or eliminate storm water pollution within the City, and

- A. Reserve the right for the City to impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff of hydrologic or topographic conditions that warrant greater control than that provided by the minimum control requirements.
- B. Prohibit Illicit Connections and Discharge to the Municipal Separate Storm Sewer System (MS4).
- C. Establish the legal authority to carry out all inspections, surveillance, monitoring and correction measures necessary to ensure compliance with this Ordinance.

**Section 48.2. Scope.** No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

**Section 48.3. Rules.** The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural and the plural includes the singular.
- B. The present tense includes the past and future tenses and the future tense include the present.
- C. The word “shall” is mandatory, while the word “may” is permissive.

**Section 48.4. Definitions.** Unless specifically defined below, the words or phrases used in this Ordinance shall have the same meaning as they have in common usage. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words “shall” and “must” are always mandatory and not merely directive.

**Subd. 1.** “Applicant” (or its assign). Any person or entity that applies for a building permit, subdivision approval, site plan approval, or a permit to allow land disturbing activities. Applicant also means that person’s agents, employees, and others acting under that person’s

direction. The applicant for the Erosion Control Permit must be the owner of and, if applicable, the person legally in possession of the property. After transfer of property, the current landowner shall be considered the applicant.

**Subd. 2.** “Best Management Practices” or “BMPs.” Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, storm water, or storm water conveyance systems. Erosion and sediment control BMPs include avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies. Examples of BMPs may be found in the current version of Minnesota Storm Water Manual, Minnesota Pollution Control Agency, 2006. BMPs must be adapted to the site and can be adopted from other sources.

**Subd. 3.** “Discharge.” The release, conveyance, channeling, runoff, or drainage, of storm water, including snowmelt, from a construction site.

**Subd. 4.** “Erosion.” Any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of people and nature.

**Subd. 5.** “Erosion Control.” Refers to methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary, or permanent cover, and construction phasing.

**Subd. 6.** “Hazardous Material.” Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**Subd. 7.** “Illegal Discharge.” Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in this Ordinance.

**Subd. 8.** “Illicit Connection.” An illicit connection is defined as either of the following:

- A. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency.

- B. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.

**Subd. 9.** “Industrial Activity.” Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

**Subd. 10.** “Minnesota Storm Water Manual.” A guide book authored and periodically updated by the Minnesota Pollution Control Agency which provides practical storm water management practices that are reviewed and edited regularly, found at <http://www.pca.state.mn.us/water/stormwater/stormwater-manual.html>

**Subd. 11.** “Municipal Separate Storm Sewer Systems” or “MS4.” A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, storm drains, curbs, gutters, ditches, man-made channels, storm water ponds, and sometimes Waters of the State) that are:

- A. Owned or operated by a jurisdiction, public body, institution, or a designated and approved management agency that discharges to surface Waters of the State;
- B. Designed or used for collecting or conveying storm water;
- C. Which is not a combined sewer; and
- D. Which is not a part of a publicly owned treatment works.

**Subd. 12.** “National Pollutant Discharge Elimination System (NPDES) Permit.” General, group, and individual permits which regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act. The Minnesota MPCA has adopted general permits, including but not limited to the General Construction Activity, General Industrial Activity, MS4 and wastewater permits.

**Subd. 13.** “Non-Storm Water Discharge.” Any discharge to the storm drain system that is not composed entirely of storm water.

**Subd. 14.** “Owner.” The person or party possessing the title of the land on which the construction activities will occur.

**Subd. 15.** “Permanent Cover.” The vegetative or other stabilizing material established once all soil disturbing activities have been completed, i.e. final stabilization. Examples include established grass, gravel, asphalt, and concrete.

**Subd. 16.** “Pollutant.” Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or

contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediment and slurries); and noxious or offensive matter of any kind.

**Subd. 17.** “Recharge.” The replenishment of underground water reserves.

**Subd. 18.** “Site.” The bounded area defined in a SWPPP including individual parcels of the larger plan’s defined area.

**Subd. 19.** “Soil.” The unconsolidated mineral and organic material on the immediate surface of the earth. For the purposes of this document, stockpiles of gravel, aggregate, concrete, or bituminous materials are not considered “soil” stockpiles.

**Subd. 20.** “Stabilized.” The exposed ground surface after it has been covered by sod, erosion control blanket, riprap, or other material that prevents erosion. Simply sowing grass seed is not considered stabilization.

**Subd. 21.** “Stop Work Order.” An order issued which requires that all construction activity on a site be stopped.

**Subd. 22.** “Storm Water.” Under Minn. R. 7077.0105, subd. 41(b) “storm water” means precipitation runoff, storm water runoff, snow melt runoff, and any other surface runoff and drainage.

**Subd. 23.** “Surface Waters.” All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems.

**Subd. 24.** “Waters of the State.” Surface watercourses and water bodies as defined by the State of Minnesota, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry storm water at and during all times and seasons.

**Subd. 25.** “Wetlands.” As defined in Minn. R. 7050.0130, subd. F, “wetlands” are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not Waters of the State. Wetlands must have the following attributes:

- A. A predominance of hydric soils;
- B. Inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and under normal circumstances support a prevalence of such vegetation.



## **Section 48.5. Illicit Discharge Prohibition.**

**Subd. 1. Applicability.** This Section shall apply to all water entering the City's storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the City.

- A. Ultimate Responsibility of Discharger. The standards set forth herein and promulgated pursuant to this Section are minimum standards; therefore this Section does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutant into Waters of the State caused by said person. This Section shall not create liability on the part of the City, or any agent or employee thereof for any damages that result from any discharger's reliance on this Section or any administrative decision lawfully made thereunder.

### **Subd. 2. Discharge Prohibitions.**

- A. Prohibition of Illegal Discharges - No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.
- B. Exemptions - The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:
  - 1. Discharges from the following activities will not be considered a violation of this Section, an illegal discharge, or a source of pollutants to the storm drain system and to Waters of the State when properly managed; potable water line flushing; uncontaminated pumped groundwater and other discharges from potable water sources; landscape irrigation and lawn watering; diverted stream flows; rising groundwater; groundwater infiltration to the storm drain system; uncontaminated foundation and footing drains; uncontaminated water from crawl space pumps; air conditioning condensation; uncontaminated non-industrial roof drains; springs; individual residential and occasional non-commercial car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash waters; flows from fire fighting; and any other water source not containing pollutants.
  - 2. Discharges specified in writing by the City as being necessary to protect public health and safety.

3. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
4. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the MPCA or EPA, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.
5. Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit.

C. Prohibition of Illicit Connections.

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
2. This prohibition expressly includes, without limitation, illicit connection made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
3. A person is considered to be in violation of this Ordinance if the person dumps or connects a line conveying sewage to the MS4, or allows such a connection to continue.

**Subd. 3. Requirement to Prevent, Control and Reduce Storm Water Pollutants.**

A. Authorization to Adopt and Impose BMPs:

1. Any person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering storm water, the storm drain system, or Waters of the State shall implement BMPs to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.
2. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water

associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this Section.

3. The City may adopt requirements identifying BMPs for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or Waters of the State as a separate BMP Guidance Policy as such information is found to be needed by the City. Where BMP requirements are required by the City or any Federal, State, or Regional agency for any activity, operation, or facility which would otherwise cause the discharge of pollutants to the storm drain system or Waters of the State, every person undertaking such activity or operation, or owning or operating such facility shall comply with such requirements.
- B. Suspension due to Illicit Discharges in Emergency Situations. The City may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the State, or to minimize danger to persons.
- C. Suspension due to the Detection of Illicit Discharge. Any person discharging to the MS4 in violation of this Ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City will notify a violator of the proposed termination of its MS4 access. The violator may petition the City for a reconsideration and hearing. A person commits a separate violation if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the City.
- D. Watercourse Protection. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property.

- E. Notification of Spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or Waters of the State from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of a hazardous material, said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials, said person shall notify the City Public Works Director in person or by phone or facsimile no later than 4:30 p.m. of the next business day. Notifications in person or by phone shall be confirmed by the owner or operator by written notice addressed and mailed to the City Public Works Director within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

**Subd. 4. Inspection and Monitoring.**

- A. Authority to Inspect.
1. The City shall be permitted to enter and inspect facilities subject to regulation under this Section as often as may be necessary to determine compliance with this Ordinance. If a facility has security measures in force which require proper identification and clearance before entry into its premises, the facility shall make the necessary arrangements to allow access to representatives of the City.
  2. Facility operators shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by City, State and Federal law.
  3. Whenever necessary to make an inspection to enforce any provision of this Section, or whenever the Public Works Director has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Section, the Director or designated person may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to storm water compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

B. Authority to Sample, Establish Sampling Devices and Test.

1. The City shall have the right to set up on any permitted or discharging facility such devices as are necessary in the opinion of the City to conduct monitoring and/or sampling of the facility's storm water discharge.
2. The City has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
3. During any inspection as provided herein, the designated person may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

**Subd. 5. Enforcement.**

- A. Notice of Violation. Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this Section, the City may order compliance according to this Ordinance or the City Code.
- B. Appeal. Any person receiving a Notice of Violation may appeal the determination of the City in accord with the City Code.
- C. Abatement by City. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within ten (10) days of the decision of the City Council upholding the decision of the City, then the City or a designated contractor shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City or designated contractor to enter upon the premises for the purposes set forth above.
- D. Misdemeanor. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Section. A violation of or failure to comply with any of the requirements of this Section shall constitute a misdemeanor and be subject to the maximum penalty permitted by law, which includes monetary fines and/or imprisonment. Each day that a violation exists shall constitute a separate offense. The penalty for violating this Ordinance shall be as established by the City Council from time to time in Appendix B – Waite Park Schedule of Fee Charges.

- E. Violations Deemed a Public Nuisance or Urgency. In addition to the enforcement processes and penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this Section is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored by the City at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the City.
- F. The City is authorized to require immediate abatement of any violation of this Section that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately as directed by the City, the City is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the City shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this Section shall not prevent the City from seeking other and further relief authorized under this Section.
- G. Enforcement Costs. The owner or operator shall reimburse the City for staff time, engineering and/or legal fees, testing costs and any other costs incurred by the City in enforcing the terms of this Ordinance on the owner's property. The property owner is ultimately responsible to ensure that the property remains in compliance. If reimbursement is not made, the City may assess the costs against the owner's property.

**Section 48.6. Abrogation and Greater Inspections.** This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other Ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

**Section 48.7. Severability.** The provisions of this Ordinance are severable, and if any provision of this Ordinance, or application of any provision of this Ordinance to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Ordinance must not be affected thereby.

Ordinance added 7/25/11

## CHAPTER IV UTILITIES AND SERVICES

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ORDINANCE 46      EROSION AND SEDIMENT CONTROL

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**Section 46.1. Intent, Purpose.** During the construction (roadway, utility and building) process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes.

As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in the City of Waite Park. This ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the City of Waite Park.

**Section 46.2. Definitions.**

**Subd. 1.** “Best Management Practices.” A practice or combination of practices to prevent exposed soil from eroding.

**Subd. 2.** “Certified Contractor.” A person who has received training to inspect and maintain erosion and sediment control practices.

**Subd. 3.** “Clearing.” Any activity that removes ground cover and exposes topsoil material.

**Subd. 4.** “Drainage way.” Any channel that conveys surface runoff throughout the site.

**Subd. 5.** “Enforcement Officer.” Shall mean the City Engineer, Public Works Director, Building Official or Designated Agent.

**Subd. 6.** “Erosion Control.” A measure that prevents soil particle exposure and detachment.

**Subd. 7.** “Erosion and Sediment Control Plan.” Otherwise known as a storm water pollution prevention plan (SWPPP) which is a set of plans prepared by or under the direction of a licensed professional engineer or certified contractor indicating the specific measures and sequencing to be used to control the sediment and erosion on a development site during and after construction.

**Subd. 8.** “Grading.” Excavation or fill of material.



## CHAPTER IV UTILITIES AND SERVICES

**Subd. 9.** “Perimeter Control.” A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

**Subd. 10.** “Land Disturbing Activity (LDA).” Any project or activity, including removal of vegetation, excavations, clearing, filling, stockpiling, grading or other earth change that directly or indirectly affects slopes, water bodies, the moving of ground cover or which may result in the movement of sediment.

**Subd. 11.** “Land Disturbance Permit (LDP).” A permit issued by the City for the construction or alteration of ground cover improvement and structures for the control of erosion, runoff and grading.

**Subd. 12.** “Owner.” This includes the plural as well as the singular, and where appropriate shall include a natural person, partnership, firm, association, public, or quasi-public corporation, private corporation, or a combination of any of them, with a legal or equitable interest in the parcel of record or as identified on the LDP.

**Subd. 13.** “Primary Structure.” In which a principal use of the lot on which the structure is located is conducted.

**Subd. 14.** “Sediment.” Soil particle exposed to movement.

**Subd. 15.** “Sediment Control.” Measures that prevent eroded sediment from leaving the site.

**Subd. 16.** “Site.” A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

**Subd. 17.** “Stabilization.” The use of practices that prevent exposed soil from eroding. Otherwise known as Best Management Practices (BMP’s)

**Subd. 18.** “Start of Construction.” The first land disturbing activity associated with a development, including land preparation such as ground clearing (grubbing), grading, and filling. Installation of streets and walkways, excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

**Subd. 19.** “Storm Water Pollution Prevention Plan (SWPPP).” A set of plans prepared by or under the direction of a licensed professional engineer or certified contractor indicating the specific measures and sequencing to be used to control the sediment and erosion on a development site during and after construction.

**Section 46.3. Required Land Disturbance Permits.** The permit authorizes, subject to the terms and conditions of this permit the discharge of storm water associated with construction activity.

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Construction activity includes clearing, grading and excavation, that disturbs land of equal to or greater than five thousand (5,000) square feet, and includes the disturbance of less than five thousand (5,000) square feet of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five thousand (5,000) square feet. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

- A. Prior to the commencement of any land disturbing activities on lands subject to this ordinance the Owner shall obtain a Land Disturbance Permit (LDP) from the City of Waite Park.
- B. Residential, Commercial and Industrial Site Construction Plans. All persons wishing to start a land disturbance project on an existing lot of record (see Chapter 58.1.4 of the Subdivision Ordinance), for the purposes of the construction of a residential, commercial or industrial primary structure, shall submit a Land Disturbance Permit at the time of obtaining a building permit. See also Chapter 58.6.7 of the Subdivision Ordinance, General Regulations on drainage/erosion control.
- C. Roadway and Utility Installation Construction Plans. All persons wishing to start a land disturbance project on an existing lot of record (see Chapter 58.1.4 of the Subdivision Ordinance), for the purposes of the construction of any roadway or utilities, shall submit a Land Disturbance Permit to the City Engineer at the time of roadway and utility plan.
- D. The following activities are not required to obtain a Land Disturbance Permit:
  - 1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
  - 2. Nursery, home gardening and agricultural operations conducted as a permitted main or accessory use.
  - 3. Maintenance work conducted by City of Waite Park employees but shall adhere to Section 46.5.A.2 of this Ordinance.
  - 4. Construction activity that includes clearing, grading and excavation, that disturbs land of less than 5,000 square feet but shall adhere to Section 46.5.A.2 of this Ordinance.

### **Section 46.4. Land Disturbance Permit Process and Data Requirements.**

- A. Residential, Commercial and Industrial Site Construction Plans. An application and applicable application fee for a land disturbance permit for each property, platted and unplatted shall be filed with the Inspections Department on an

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approved form, with accompanying documents, and SWPPP. Inspections Department will review each residential, commercial and industrial land disturbance permit application for site construction (which shall include a site drawing of all structures and stabilization methods) to determine its conformance with the provisions of this regulation. Most land disturbance permits for building site plans will be issued within the same time period as the building permit.

- B. Roadway and Utility Installation Construction Plans. An application for a land disturbance permit for all properties shall be filed with the Public Works Department on an approved form, with accompanying documents, and SWPPP. Public Works Department will review each roadway and utility land disturbance permit application for site construction to determine its conformance with the provisions of this regulation. Land disturbance permits for roadway and utility land disturbance will be issued within thirty (30) days of receipt of the permit application, unless extended.
- C. The City of Waite Park shall in writing:
1. Approve the permit applications;
  2. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
  3. Disapprove the permit applications, indicating the reason(s) and procedure for submitting a revised application and/or submission.
  4. Failure of the City of Waite Park to act on an original or revised Land Disturbance Permit application within thirty (30) days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the City of Waite Park. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with the conditions established by the City of Waite Park.
- D. Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by an application fee as set by the Ordinance, Storm Water Pollution Prevention Plan and outlined in Section 46.5.

**Section 46.5. Storm Water Pollution Prevention Plan.** A Stormwater Pollution Prevention Plan (SWPPP) shall be submitted with the LDP application. A copy of the general permit to discharge storm water associated with construction activity and the associated SWPPP

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submitted to the Minnesota Pollution Control Agency (MPCA) may be submitted to the City of Waite Park. This permit, if accepted by the MPCA, will also be accepted by the City of Waite Park.

- A. The Storm Water Pollution Prevention Plan (Erosion and Sediment Control Plan) shall be consistent with the requirements as established and utilized by the Minnesota Pollution Control Agency and include the following:
  - 1. A construction sequencing plan for the development site including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. The following items shall be identified: the expected date on which clearing will begin, stabilization of cleared areas, installation of temporary erosion and sediment control measures, establishment of permanent vegetation, permanent stormwater treatment measures, and an analysis of the impact to downstream runoff areas or receiving waters.
  - 2. All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Grading, erosion control practices, sediment control practices, and waterway crossing shall be designed to adequately prevent the transportation of sediment from the site to the satisfaction of the intent and purpose of this ordinance and requirements of the State of Minnesota. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each session. At a minimum, the following shall be automatically implemented:
    - a. Silt fencing or other sediment control practices shall be installed on all down gradient perimeters prior to the release of a building permit.
    - b. Rock mixture (as specified by the City Engineer and as recommended by the Minnesota Pollution Control Agency (MPCA) in its publication Protecting Water Quality in Urban Areas) shall be placed at the entrance to prevent sediment tracking.
- B. Modifications to the plan shall be processed and approved or disapproved in the same manner as Section 64.4 of this regulation, may be authorized by the City of Waite Park by written authorization to the permittee, and shall include major amendments of the land disturbance permit or storm water pollution prevention plan submitted to the City of Waite Park. Major amendments include a change in structure location and drainage patterns.

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### **Section 46.6. Stabilization Design.**

- A. Stabilization and use of Best Management Practices shall be in accordance with approved BMP's as recommended by the Minnesota Pollution Control Agency (MPCA) in its publications *Minnesota Stormwater Manual and Protecting Water Quality in Urban Areas*, or as amended and approved by the City by policy.
- B. Erosion control requirements shall include the following:
  - 1. Soil stabilization shall be completed within seven (7) days of clearing or inactivity in construction on a slope steeper than 3:1; or fourteen (14) days on a slope from 10:1 to 3:1; or twenty-one (21) days on a slope flatter than 10:1.

Trout Stream areas: All exposed soil areas with a slope of 3:1 or steeper, that have a continuous positive slope to a special water must have temporary erosion protection or permanent cover within three (3) days after the area is no longer being actively worked. Slopes flatter than 3:1 with a continuous positive slope to the special water must have temporary erosion protection or permanent cover within seven (7) days after the area is no longer being actively worked.
  - 2. If seeding or another erosion control measure is used, it shall become established within three weeks or the City of Waite Park may require the site to be reseeded or a no vegetative option employed.
  - 3. Soil stockpiles must be stabilized or covered at the frequency as all other stabilization activities.
  - 4. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion.
  - 5. Techniques shall be employed to prevent the blowing of dust or sediment from the site to the maximum extent possible.
  - 6. Technique that diverts upland runoff past disturbed slopes shall be employed to the maximum extent possible.
  - 7. Other best management principals in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains such as rock construction entrances.
  - 8. Removal of all debris, dirt and soil from impervious ground surfaces, including abutting public or private roadways and sideways, sediment basins, catch basins and in connection with the subject property.

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**Section 46.7. Special Waters/Trout Waters.** The City has a designated trout stream within its city limits, Robinson Hill Creek. The location of the creek is T124N R28W Sections 31 and 32. The City will require special considerations for protection of this creek that align with the state NPDES MS4 and Construction permits. These requirements include:

- A. Determination and documentation that there is no feasible and prudent alternative to the proposed discharge. All prudent and feasible measures needed to avoid or reduce impacts to trout streams, and to preserve the existing high quality of the water will be implemented.
- B. If the discharge cannot be avoided, the owner must consider measures to protect water quality and prevent temperature increases. Acceptable measures include reducing the impervious surfaces, diversion away from the stream and use of filter strips infiltrations, biofiltrations, or enhanced grass swales to treat runoff before discharge to the Trout Waters. Innovative alternatives to ponds are specifically encouraged for Trout Water discharges if they provide equivalent treatment.
- C. Buffer Zone. An undisturbed buffer of not less than 100 linear feet from the trout stream shall be maintained at all times.

### **Section 46.8. Inspection & Fees.**

- A. The Enforcement Officer shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Storm Water Pollution Prevention Plan as approved. Plans for grading, stripping, excavating and filling work bearing shall be maintained at the site during the progress of the work.
- B. The permittee or his/her agent shall make regular inspections of all control measures once every seven (7) days during active construction and within twenty-four (24) hours after a rainfall event greater than 0.5 inches in twenty-four (24) hours. The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and available upon request to the City Engineer and/or Building Inspector.
- C. The Enforcement Officer shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity and compliance of the permit filed.
- D. See Fee Schedule for associated fees.

### **Section 46.9. Enforcement.**

- A. Compliance required. The applicant shall implement and comply with the land disturbance permit prior to and during any construction of land disturbing activity

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under the land-disturbing permit. All stabilization measures shall be implemented and maintained until all grading, excavation and construction work has ended.

- B. Stop-Work Order: Revocation of Permit. In the event that any person holding a land disturbance permit pursuant to this ordinance violates the terms of the permit and is found non-compliant with the permit or implements site development construction practices in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the City of Waite Park may suspend or revoke the site development permit. The City shall notify the owner in writing with a notice of the violation of the approved Land Disturbance Permit to remove such conditions or remedy such defects. Such notice shall require the owner to remove or abate said violations within forty-eight (48) hours of notification.
- C. Violation and Penalties. No person shall construct, enlarge, alter, repair or maintain any grading, excavation, or fill or cause the same to be done, contrary to or in violation of any terms of this ordinance. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this ordinance is committed, continued, or permitted, shall constitute a separate offense. Persons failing to obtain the required permits shall be charged an investigative fee as established in Appendix B, Fee Schedule.

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SECTION 58.1 PURPOSE/DEFINITIONS

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**Section 58.1. Purpose/Definitions.**

**Subd. 1. Short Title.** This Ordinance shall be known and may be cited as the “Subdivision Ordinance”, “this Title” and/or “this Ordinance”.

**Subd. 2. Purpose.** Each new subdivision becomes a permanent and integral part of the physical structure of the Municipality, the design and the development of plats subdividing property establishes a pattern for the future development of the entire community and adherence to this pattern by future developers becomes mandatory. Planning in a piecemeal manner, without proper consideration being given to the overall development of a municipality would lead to a chaotic patchwork of community development, making future improvements difficult, if not impossible and certainly very costly. The lack of regulations and mismanagement of subdivision control would have a disastrous effect upon the distribution of population and would actually create areas contrasting so greatly in their environment as to provide for future so-called blighted areas from the start. To provide for the orderly and equitable development of the Municipality, all subdivisions hereafter, shall in all respects, fully comply with the regulations set forth herein, which shall be interpreted to:

- A. Provide for and guide the orderly, economic and safe development of land, urban services and facilities.
- B. Encourage well-planned, efficient and attractive subdivisions by establishing standards for design and construction of public improvements.
- C. Provide for the health, safety and welfare of residents and property owners by requiring the necessary services such as properly designed streets and adequate storm and sanitary sewer, water, electric, telephony and natural gas utility services.
- D. Place the cost of improvements against those benefiting from their construction.
- E. Secure the rights of the public with respect to public lands and waters.
- F. Set the minimum requirements necessary to protect the public health, safety, comfort, convenience, and general welfare.
- G. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, trails and other public facilities.

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**Subd. 3. Interpretation.** The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- A. The singular includes the plural, and the plural the singular.
- B. The present tense includes the past and the future tenses, and the future the present.
- C. The word “shall” is mandatory while the word “may” is permissive.
- D. All measured distances shall be expressed in feet and decimals of feet.

**Subd. 4. Definitions.** For purposes of this Ordinance, the following terms shall have the meaning given in this Section:

“Affordable Housing” Affordable housing shall be as defined by the Federal Housing and Urban Development Agency’s Section Eight guidelines.

“Alley” shall mean a public right-of-way which affords a secondary means of access to abutting property.

“Applicant” shall mean the owner, their agent, or other person having legal control, ownership and/or interest in the land proposed to be subdivided.

“Area Planning Organization” shall mean the St. Cloud Area Planning Organization.

“Arterial Street” see “Street, Arterial”.

“Best Management Practices (BMP)” shall mean best management practices as described in current Minn. Pollution Control Agency manuals and other sources as approved by the City and County.

“Bikeway” shall mean a public right-of-way or easement across a block or within a block to provide access for bicyclists and in which a path or trail may be installed.

“Block” shall mean an area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a natural waterway.

“Boulevard” shall mean the portion of the street right-of-way between the curb line and the property line.

“Building” shall mean any structure built for the support, shelter or enclosure of persons, animals, chattel or movable property of any kind, and includes any structure.

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“Building Setback Line” shall mean a line parallel to the street right-of-way line, and ordinary high water level, if applicable, at its closest point to any story level of a building and representing the minimum distance which all or part of the building is set back from said right-of-way line, or ordinary high water level.

“Caliper” shall mean the diameter of replacement or new trees measured at a height of thirty (30) inches above the ground level.

“Certificate of Survey” shall mean a document prepared by a Registered Engineer or Registered Land Surveyor which precisely describes area, dimensions and location of a parcel or parcels of land.

“City” shall mean the City of Waite Park.

“City Council” shall mean the governing body of the City of Waite Park.

“City Engineer or Consulting Engineer” shall mean a professional engineer designated by the governing body.

“Cluster Development” shall mean the development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land, while providing a unified network of open space and aesthetically pleasing areas and meeting the overall density regulations of this Ordinance and the Zoning Ordinance.

“Collector Street” see “Street, Collector”.

“Common Interest Community” shall mean contiguous or noncontiguous real estate within Minnesota subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for (i) real estate taxes levied against; (ii) insurance premiums payable with respect to; (iii) maintenance of; or (iv) construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies (MSA 515B.1-103).

“Comprehensive Plan” shall mean a comprehensive plan prepared and approved by the City, including a compilation of policy statements, goals, standards, fiscal guidelines, and maps indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the City, including any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

“Conditional Approval” shall mean an affirmative action by the City indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.

“Contour Map” shall mean a topographic map showing the irregularities in elevation of land surface through the use of lines connecting points of equal elevation. Contour interval is the vertical heights difference represented between the connecting lines on a contour map.

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“Copy” shall mean a print or reproduction made from an original document.

“Conveyance” shall mean the sale, trading, donation, or offer of sale or other transfer of property.

“County” shall mean Stearns County, Minnesota.

“Covenants” shall mean protective covenants are contracts made between private parties and constitute an agreement between these parties as to the manner in which land may be used, with a view to protecting and reserving the physical, social and economic integrity of any given area. This Ordinance shall not interfere with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the City is a party. The Owner shall enforce covenants; the City shall assume no responsibility for the enforcement thereof. Any restrictive covenant shall not conflict or invalidate city ordinances.

“Crosswalk or Pedestrian Way” shall mean publicly owned right-of-way that crosses a block furnishing pedestrian access to adjacent streets or properties.

“Cul-De-Sac” shall mean a short minor street having one open end and being permanently terminated at the other end by a vehicular turnaround.

“Design Standard” shall mean the specifications to landowners or those proposing to subdivide land for the preparation of plats, both preliminary and final indicating among other items the optimum, minimums and maximums in the dimensions, magnitude and capacity in such features as the layout of streets, lots, blocks, drainage and required improvements.

“Detention Basin” shall mean a facility designed to temporarily store runoff from rainfall or snow melt, releasing the stored water at a controlled rate until the basin is empty. The outlet or control structure is located at the bottom of the facility so that the basin is dry after the runoff event. (See also Detention Pond, Retention Basin and Retention Pond).

“Detention Pond” shall mean a facility designed to temporarily store runoff from rainfall or snow melt, releasing the stored water at a controlled rate until the water level has been reduced to a predetermined level. The outlet or control structure is located in such a way that some water remains in the facility. The bottom of the facility is usually below water table, or is otherwise constructed in such a way that standing water remains in the pond year round. (See also Detention Basin, Retention Basin and Retention Pond).

“Developer” shall mean any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity submitting an application for the purpose of land subdivision as defined herein. The developer may be the owner or authorized agent of the owner of the land to be subdivided.

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“Development” shall mean acts relating to subdividing land, platting land, building structures and installing site improvements.

“Double Frontage Lot” shall mean lots with a front line abutting a street and a back line abutting another street.

“Drainage Course” shall mean a watercourse or surface area for the drainage or conveyance of surface water.

“Easement” shall mean a grant by a property owner for the use of a strip of land by the public or any person for any specific purpose or purposes.

“Engineer” shall mean the registered engineer employed or retained by the City, unless otherwise stated.

“Escrow” shall mean the deposition of funds in an account maintained by the City for the purpose of ensuring fulfillment of certain obligations pursuant to this Ordinance.

“Final Approval” shall mean approval of the final plat by the City Council, as indicated by certification of the plat by the (acting) mayor of the city, constitutes authorization to record a plat.

“Final Plat” shall mean a drawing or map of a subdivision, meeting all the requirements of the City and in such form as required by the County for purposes of recording.

### **Flood Related:**

“Accessory Use Or Accessory Structure” shall mean a use or structure in the same lot of a nature customarily.

“Equal Degree of Encroachment” shall mean a method of determining location of encroachment lines so that the hydraulic capacity of flood plain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to flood plain encroachments.

“FEMA” shall mean the U. S. Federal Emergency Management Agency.

“Flood” shall mean a temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

“Flood Frequency” shall mean the average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

“Flood Fringe” shall mean that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study of the City.

## CHAPTER V ZONING, LAND USE AND BUILDING REGULATIONS

“Flood Hazard Areas” shall mean the areas included in the floodway and flood fringe as indicated on the official zoning map and the Flood Insurance Study and Flood Insurance Rate Map which have been officially adopted by the City.

“Flood Insurance Rate Map” shall mean the most recent Flood Insurance Rate Map prepared by FEMA for the City, and as applicable and allowed by law, the Flood Insurance Rate Map prepared by FEMA for the County of Stearns, as may be amended.

“Flood Insurance Study” shall mean the most recent Flood Insurance Study prepared for the City by FEMA and, as applicable and allowed by law, the Flood Insurance Study prepared by FEMA for the County of Stearns, as may be amended.

“Floodplain” shall mean the areas adjoining a watercourse which have been or hereafter may be covered by the 100-year flood as determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study, or in any other officially adopted City flood study.

“Floodproofing” shall mean a combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water, storm and sanitary facilities, structures and contents of buildings in a flood hazard area in accordance with the Minnesota State Building Code.

“Floodway” shall mean the channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study, or in any other officially adopted City flood study.

“Obstruction” shall mean any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either by itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

“100-Year Flood” shall mean a flood which is representative of large regional floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval as determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study, or in any other officially adopted City flood study.

“Reach” shall mean a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would be typical of a reach.



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“Regulatory Flood Protection Elevation” shall mean a point not less than one (1) foot above the water surface profile associated with the 100-year flood as determined by the use of the 100-year flood profile and supporting technical data in the Flood Insurance Study plus any increase in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.

“Structure” shall mean anything erected with a fixed location on the ground, or attached to something having a fixed location on the ground or in the ground in the case of earth sheltered buildings. Among other things, structures include buildings, factories, sheds, detached garages, cabins, manufactured homes, walls, fences, billboards, poster panels and other similar items.

“Frontage” shall mean the width of a lot from property corner to property corner which abuts a public street or way.

“Governing Body” shall mean a group of persons elected by voters of the Municipality to govern the public affairs thereof.

“Grade” see “Percentage of Grade”.

“Half-Street” see “Street, Half”.

“Horizontal Curve” shall mean a curve by means of which a road can change direction to the right or left.

### **Hydric Soil - for the purposes of this Ordinance, hydric soils shall include:**

Hydric soils as shown on the Stearns County Geographic Information System (GIS); or

Land inside the 100-year floodplain area, as determined by the County, using two (2) foot contour surveys of relevant areas; or

A field delineation of the hydric soils by a Registered Soil Scientist following the criteria found in the United States Army Corps of Engineers Wetland Delineation Manual (1987 Manual) or the Natural Resource Conservation Service publication Field Indicators of Hydric Soils in the United States.

“Improvements” shall mean pavement, curbs, gutters, sidewalks, sewer and water facilities, drainage facilities, street signs, street lighting, plantings, berms and other items for the welfare of property owners and/or the general public.

“Key Map” shall mean a small-scale map that definitively shows the area proposed to be platted in relation to known geographical features (e. g. regional feature, community centers, lakes and streets).

“Land Disturbance” shall mean any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, or any other

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change in the natural character of the land occurs as a result of the site preparation, grading, building construction or other construction activity, except for the disturbance of a total of ten (10) cubic yards or less of soil/area.

“Local Street” see “Street, Local.”

“Lot” shall mean a portion of the subdivision intended for building development or for transfer of ownership.

“Lot, Corner” shall mean a lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.

“Lot, Depth” shall mean the horizontal distance between the street right-of-way line and the opposite rear line of a lot measured in the general direction of the side lot lines.

“Lot, Double Frontage” shall mean an interior lot having frontage on two parallel or approximately parallel streets.

“Lot Improvement” shall mean any building, structure, work of art, or other object or improvement of the land on which they are situated constituting a physical betterment of real property.

“Lot Line” shall mean the property line bounding a lot, except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way wherein the lot line shall be the public right-of-way line.

“Lot Line, Front” shall mean that boundary of a lot which abuts an existing or dedicated public street; and, in the case of a corner lot, the front lot line shall be the lot with the shortest dimension on a public right-of-way.

“Lot Line, Rear” shall mean that boundary of a lot which is opposite the front lot line. The rear lot line shall be a line ten (10) feet in length within the lot, parallel to the front lot line.

“Lot Line, Side” shall mean any boundary of a lot that is not a front lot line or a rear lot line.

“Lot of Record” shall mean a parcel of land, whether subdivided or otherwise legally described, as of the effective date of this Ordinance, or approved by the City Council as a lot subsequent to such date, and which is occupied by or intended for occupancy by one (1) principal use, together with any accessory buildings or such open spaces as required by this Ordinance and having its principal frontage on a street, or a proposed street approved by the council.

“Lot, Width” shall mean the horizontal distance between the side lots lines of a lot measured at the building setback line, location of the principal building and, if applicable,

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ordinary high water level. For corner lots, lot width shall be determined by measuring the horizontal distance between a side lot line and the applicable opposite front lot line.

“Marginal Access Street” shall mean minor streets parallel/adjacent to arterial streets and highways to provide access to abutting properties and protection to through traffic.

“Metes And Bounds Description” shall mean a description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.

“Metropolitan Transit Commission” shall mean the St. Cloud Metropolitan Transit Commission.

“Minor Street” shall mean a street that provides for direct access to abutting property and for local traffic movement, distinguished by its being completely local in character.

“Minor Subdivision” shall mean the division of a single parcel, lot, or tract, into two separate parcels, lots, or tracts.

“Municipality” shall mean the governmental unit or area described in and governed by the provisions of this Ordinance.

“Natural Waterway” shall mean a natural passageway in the earth’s surface situated and having such topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also includes all drainage structures placed in lieu of natural waterway in order to facilitate the continuity of the natural waterway.

“Official Map” shall mean the map adopted by the City Council showing the streets, highways, blocks and lots theretofore laid out and adopted by the City Council resulting from the approval of subdivision plats and the subsequent filing of such approved plats.

“Ordinary High Water Level” shall mean the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowage, the ordinary high water level is the operating elevation of the normal summer pool.

“Outlot” shall mean a parcel of land shown on a subdivision plat as an outlot, and designated alphanumerically, (for example – Outlot A). Outlots are used to designate one of the following: land that is to be used for a specific purpose as designated in a developer’s agreement or other agreement between the City and the developer; or land that is to be used for a public purpose and for which no building permit shall be issued.

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“Owner” shall mean an individual, association, syndicate, partnership, corporation, trust or any other legal entity holding an equitable or legal ownership interest in the land sought to be subdivided.

“Parcel” shall mean an individual lot or tract of land.

“Parks, Playgrounds” shall mean public land and open space in the City dedicated or reserved for recreational purposes.

“Pedestrian Way” shall mean a public right-of-way or easement across a block or within a block to provide access for pedestrians and which may be used for the installation of paths or trails.

“Percentage of Grade” shall mean the slope of a road, street, or other public way, specified in percentage terms. The rise or fall of a street in feet and tenths of a foot for each one hundred (100) feet of horizontal distance measured at the centerline of the street.

“Person” shall mean any individual or legal entity.

“Planned Unit Development” shall mean a tract of land planned/developed to encourage a more creative and efficient development of land, while at the same time meeting the standards and purposes of the Comprehensive Plan for preserving the health, safety and welfare of Waite Park, to allow for a mixture of residential units or residential and commercial units in an integrated and well-planned area and to ensure the concentration of open space into more usable areas and preservation of natural resources of the site including wetlands, steep slopes, vegetation, and scenic areas.

“Planning Commission” shall mean the Planning Commission of the City of Waite Park.

“Plat” shall mean the drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statutes Chapter 505 and containing all elements and requirements set forth in applicable local regulations adopted pursuant to Minnesota Statutes Section 462.358 and Chapter 505.

“Preliminary Approval” shall mean official action taken by City on an application creating a Subdivision which establishes the rights and obligations set forth in Minnesota Statutes Section 462.358 and the applicable subdivision regulation. In accordance with Minnesota Statutes Section 462.358, and unless otherwise specified in the applicable subdivision regulation, preliminary approval may be granted only following the review and approval of a preliminary plat or other map or drawing establishing without limitation the number; layout and location of lots, tracts, blocks and parcels to be created, location of streets, roads, utilities and facilities, park and drainage facilities and lands to be dedicated for public use.

“Preliminary Plat” shall mean a detailed drawing or map of a proposed subdivision meeting the requirements herein enumerated submitted to the Planning Commission and

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governing bodies for their consideration, in compliance with the Comprehensive Plan, along with the required supporting data.

“Protective Covenants” shall mean contracts entered into between all owners and holders of mortgage constituting a restriction on the use of property within a subdivision for the benefit of the property owners. The City shall not be responsible for enforcing protective covenants.

“Public Improvement” shall mean any drainage ditch, roadway, parkway, street, sanitary sewer, storm sewer, water system, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the City may ultimately assume ownership, responsibility for maintenance and operation, or which may affect an improvement, for which local government responsibility is or may be established.

“Publication” shall mean an official notice as prescribed by Minnesota Statutes.

“Quadraminiums” shall mean single structures which contain four (4) subdivided dwelling units, all of which have individually separate entrances from the exterior of the structure.

“Reserve Strips” shall mean a narrow strip of land between lot lines and streets to control access.

“Retention Basin” shall mean a facility designed to store runoff from rainfall or snow melt with no outlet. The stored water is allowed to percolate into the ground. (See also Detention Pond, Detention Basin and Retention Pond).

“Right-of-Way” shall mean the land dedicated for public use as a street or way or private use such as a power line or railroad.

“Roadway” shall mean the portion of street right-of-way improved for vehicular travel.

“Rural Design” shall mean a street design where adjacent property and right-of-way are graded to form a ditch section along the shoulder of the road. Surface drainage is primarily carried by the ditch section.

“Setback” shall mean the distance between a building and the property line nearest thereto.

“Single Family Attached Dwelling” shall mean a one-unit structure which has one (1) or more walls extending from ground to roof separating it from adjoining structures. In townhomes or twin homes each house is a separate, attached structure if the dividing or common wall goes from the ground to the roof.

“Sketch/Concept Plan” shall mean a sketch drawing or map which depicts a proposed subdivision by showing proposed lots, streets, uses, relationship to surrounding area, generalized natural features, easements, and any requested zoning change and other information required by

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this ordinance for review by the City. This plan shall be drawn to scale and dimensioned; however, exact accuracy is not a requirement.

“Street” shall mean a way for vehicular traffic, whether designated as streets, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, drive, court or similar names.

“Street, Arterial – Principal” shall mean the functional classification of streets that places the highest emphasis on mobility as opposed to land access. Although various sections of roadway may vary in functional classification and characteristics, principal arterials generally carry large volumes of traffic (e.g. 15,000 or greater daily average) and have right-of-way widths of two hundred (200) to three hundred (300) feet. Principal arterials in general have highly managed intersection spacing and control criteria, do not provide direct land access and do not allow for on-street parking. Large truck traffic is unrestricted. Principal arterial streets in the City of Waite Park are defined by the Comprehensive Plan (e.g. T.H. 23 and CSAH 75 as of the date of this Ordinance).

“Street, Arterial-Minor” shall mean the functional classification of streets that places high emphasis on mobility as opposed to land access. Although various sections of roadway may vary in functional classification and characteristics, minor arterials generally carry a moderate volume of traffic (e.g. 5,000 – 20,000 daily average) and have right-of-way widths of one hundred (100) to one hundred fifty (150) feet. Minor arterials in general have managed intersection spacing and control criteria, highly restrict direct land access and highly restrict on-street parking. Large truck traffic on minor arterial streets are generally unrestricted. Minor arterial streets in the City of Waite Park are defined by the Comprehensive Plan (e.g. Waite Avenue and 3rd Street as of the date of this Ordinance).

“Street, Collector” shall mean the functional classification of streets that places moderate emphasis on mobility and moderate emphasis on land access, may be major or minor collector. Although various sections of roadway may vary in functional classification and characteristics, collectors generally carry a modest volume of traffic (e.g. 1,000 – 5,000 daily average) and have right-of-way widths of eighty (80) to one hundred (100) feet. Collector streets in general have managed intersection spacing, may employ traffic control measures, may somewhat restrict direct land access and may somewhat restrict on-street parking. Large truck traffic on collector streets are generally unrestricted. Collector streets in the City of Waite Park are defined by the Comprehensive Plan.

“Street, Cul-De-Sac” shall mean a local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

“Street, No Outlet” shall mean a street, or a portion thereof, with only one vehicular traffic outlet as opposed to two outlets.

“Street, Half” shall mean a street having only one-half of its intended roadway width developed to accommodate traffic.

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“Street, Local” shall mean the functional classification of streets that places low emphasis on mobility and high emphasis on land access. Although various sections of roadway may vary in functional classification and characteristics, local streets generally carry a small volume of traffic (e.g. less than 1,000 daily average) and have right-of-way widths of sixty-six (66) feet. Local streets in general have limited on-street parking restrictions, permit driveway access and restrict large truck traffic.

“Street, Marginal Access (Frontage Road)” shall mean those local streets which are parallel and adjacent to high volume arterial streets and highways; and which provide access to abutting properties and protection from through traffic.

“Street Width” shall mean the shortest distance between lines or lots delineating the right-of-way of a street.

“Structure” shall mean anything erected with a fixed location on the ground, or attached to something having a fixed location on the ground or in the ground. Among other things, structures include buildings, manufactured homes, walls, fences, billboards, swimming pools, and poster panels.

“Subdividing” shall mean the creation of a subdivision, lot, parcel, or tract of land by dividing a lot, parcel, or tract into two or more parcels, or resulting from court order, or the adjustment of a lot line by the relocation of a common boundary.

“Subdivision” shall mean a described tract of land which is to be or has been divided into two or more lots, outlots, or parcels for the purpose of transfer of ownership, or building development, or if a new street is involved, any division of land. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

“Surveyor” shall mean a land surveyor registered under Minnesota State Statutes.

“Tangent” shall mean a straight line (roadway) that touches a curve at a point on the curve.

“Townhouses” shall mean structure housing three (3) or more dwelling units contiguous to each other only by the sharing of one (1) common wall, such structures to be of the town or row house type as contrasted to multiple apartment structures. Each unit shall have a separate ingress/egress.

“Tract” shall mean a defined area of land, similar to a lot or parcel, that is occupied or will be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of the current City zoning regulations, having not less than the minimum area required by said zoning regulations for a building site in the district in which such lot is situated and having its principal frontage on a street.

“Trail” shall mean a linear component of the community’s park system.

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“Two-Family Dwelling” shall mean a dwelling designed exclusively for occupancy by two (2) families living independently of each other.

“Urban Design” shall mean a street design where adjacent property and right-of-way are graded to the edge of the pavement or to the top of a curb without need for ditch construction. Surface drainage is primarily carried by the paved street section.

“Utilities” shall mean public or private systems for the distribution or collection of water; gas; sewer (wastewater); storm water; electricity including all transformers, streetlights, telephone; and cable television service, etc.

“Variance” shall mean a relaxation of the terms of this Ordinance where such deviation will not be contrary to the spirit and intent of the Comprehensive Plan and this Ordinance, the public interest and where owing to physical conditions unique to the individual property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

“Vertical Curve” shall mean the surface curvature on a street centerline located between lines of different percentage of grades.

“Vicinity Map” shall mean a small map drawn to a comparatively small scale which definitely shows the area proposed to be platted and the vicinity surrounding it.

“Zoning” shall mean the reservation of certain specified areas within the Municipality for buildings and structures for certain purposes with other limitations such as height and lot coverage.

“Zoning District” shall mean an area as described by the official zoning ordinance of the City of Waite Park.

“Zoning Ordinance” shall mean the Ordinance or resolution controlling the use of land as adopted by the City.



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SECTION 58.2 GENERAL PROVISIONS

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**Section 58.2. General Provisions.**

**Subd. 1. Application/Authority.**

- A. Except as hereinafter provided, no land shall be subdivided, rearranged, developed or improved in any way which is not in conformity with the regulations and terms herein specified. The rules and regulations governing plats and subdivision of land contained herein shall apply within the boundaries of the City of Waite Park. Every division of land for the purpose of lease or sale into two (2) or more lots, parcels or tracts within the incorporated area of the City of Waite Park or any combination of two (2) or more lots shall proceed in compliance with this ordinance. It is the purpose of this Ordinance to make certain regulations and requirements for the platting of land within the City pursuant to the authority contained in Minnesota Statutes Chapters 412, 429, 471, and 505, which regulations the City Council deems necessary for the health, safety, general welfare, convenience and good order of this community.
- B. The City of Waite Park has adopted a comprehensive plan for the future physical development and improvement of the City and finds it necessary to regulate the division of land for future development and use. The City finds that the public health, safety and general welfare require that the division of land into two (2) or more parcels requires regulation to assure adequate space, light and air; to provide proper ingress and egress to property; to facilitate adequate provision for water, waste disposal, fire protection, open space, schools, public uses and adequate streets and highways; and to assure uniform monumenting, legal description and conveyance of subdivided land. The Minnesota Statutes authorize municipalities to so regulate the subdivision and platting of land pursuant to MSA 412.221 Subdivision 32; and 462.358.
- C. In addition to the authority otherwise provided under this Ordinance, the City Council is empowered to exercise its full statutory authority under Minnesota Statutes 462.358, Subdivisions 1a and 2a to establish standards, requirements and procedures for the review and approval of subdivisions. The authority possessed by the City Council under this Ordinance specifically includes the authority to condition subdivision approval on compliance with other requirements reasonably related to the provisions of this Ordinance and the authority to execute development agreements embodying the terms and conditions of such approval. For purposes of this Ordinance, these powers specifically include the power to impose conditions upon subdivision approval necessary for the subdivision to

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comply with resolutions previously adopted and remaining effect in whole or in part at the time of adoption of this Ordinance.

**Subd. 2. Administration.** This Ordinance shall be administered and enforced by the governing body and/or its assigns of the Municipality and all final decisions pertaining to the proposed subdivision or development of any tract of land shall be made by the governing body and/or its assigns.

**Subd. 3. Jurisdiction.** The regulations herein governing plats in the subdivision of land shall apply within the corporate limits of the Municipality.

**Subd. 4. County and State Rules.** It is not the intent of this Ordinance to replace or conflict with existing County or State laws, rules or regulations. This Ordinance is designed and intended to provide additional protection to the public. Specifically, this Ordinance is intended to be in compliance with Minnesota Statutes Chapters 462.358 and 505.

**Subd. 5. Protection of Natural Features.** The governing body reserves the right to deny approval of a plat if due regard is not shown for the preservation of all natural features such as large trees, watercourses, scenic points, historical spots and similar community assets which, if preserved, will add attractiveness, stability and value to the property.

**Subd. 6. Land Suitability For Subdivision.** The City Council, following consultation with the Planning Commission, must find each lot created through subdivision suitable for land subdivision in its normal state for the proposed use with minimal alteration. Suitability analysis by the City shall consider flooding, existence of wetlands, inadequate drainage, steep slopes, rock formations or other features with severe limitations for development, severe erosion potential, steep topography, important fish and wildlife habitat, near-shore aquatic conditions unsuitable for water-based recreation, presence of significant historic sites or any other feature of the natural land likely to be harmful to the safety, welfare or general health of future residents, or land which could not be adequately served by utilities or other public facilities or public access; such land shall not be subdivided unless adequate methods are provided for overcoming such conditions; or the land is platted as outlots.

**Subd. 7. Flood Prone Lands.**

- A. Warning and Disclaimer of Liability for Flooding: This Ordinance does not imply that areas outside flood plain areas or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Waite Park or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decisions lawfully made hereunder.
- B. No responsibility or liability shall arise from the design or operation of subdivision drainage facilities dedicated to the City of Waite Park until the City has accepted such dedication.

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- C. Subdivision Flooding and Flood Control: No land shall be subdivided if the City Council finds the land unsuitable for subdividing due to flooding and/or inadequate drainage in accordance with the Ordinance and the Zoning Ordinance. Any building sites on lots within the flood plain district shall be at least one (1) foot above the regulatory flood protection elevation in accordance with this Ordinance and the Zoning Ordinance. All subdivisions shall have road access both to the subdivision and to the individual building sites no lower than one (1) foot above the regulatory flood protection elevation. Each of the above requirements shall take into consideration the 100-year flood profile and other supporting material data in the Flood Insurance Study and the Flood Insurance Rate Map.
- D. Public Utilities: All public utilities and facilities such as gas, electrical, telephone, sewer, and water supply systems to be located in the flood plain shall be elevated or flood proofed in accordance with the Minnesota State Building Code to an elevation no lower than the regulatory flood protection elevation, in accordance with state and federal agency regulations and the City's Floodplain Ordinance, as applicable.
- E. Public Transportation Facilities: Railroad tracks, roads and bridges to be located within the Floodway District shall comply with this Ordinance and the Zoning Ordinance. Elevation to the regulatory flood protection elevation shall be provided where failure and interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary railroad tracks, roads, or bridges may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety and as long as such construction is in accordance with the rules and regulations of the Minnesota Department of Natural Resources or other state agencies; the Federal Emergency Management Agency or other federal agencies; and/or the City Floodplain Ordinance.

**Subd. 8. Dedications For Public Use.** Where deemed essential by the Planning Commission, and upon consideration of the type of development and especially in large scale unit developments not anticipated in a master plan, the Planning Commission may discuss a dedication or reservation of such other sites or area of a character, extent or location suitable to the needs created by such developments for parks and other neighborhood purposes.

**Subd. 9. Present Ordinances Protected.** The provisions of this Ordinance are in addition to and not in replacement of the provisions of the Building Code and Ordinance 52 of this Code. Any provisions of the Building Code or Ordinance 52 relating to platting shall remain in full force and effect except as they may be less restrictive or contradictory to the provisions hereof, in which case this Ordinance shall prevail.

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**Subd. 10. Consistency With Comprehensive Plan.** The proposed subdivision shall be consistent with the purposes, objectives and recommendations of the duly adopted Comprehensive Plan of Waite Park, as may be amended.

**Subd. 11. Exceptions.** The provisions of this Ordinance shall not apply to:

- A. A cemetery or burial plot while used for that purpose;
- B. Any division of land made by testamentary provision, the laws of descent, or upon court order;
- C. A parcel which was the subject of a written agreement to convey (such as a purchase agreement), entered into prior to the effective date of this Ordinance;
- D. Land which the Planning Commission or the Council finds to be unsuitable for land subdivision due to flooding, inadequate drainage, steep slopes, rock formations or other features likely to be harmful to the safety and general health of future residents, or land which could not be adequately served by utilities or other public facilities or public access; such land shall not be subdivided unless adequate methods are provided for overcoming such conditions; or the land is platted as outlots;
- E. Divisions of land where the division is to permit the adding of a parcel of land to an abutting lot or to create two (2) lots and the newly created property line will not cause the land or any structure to be in violation of this Ordinance or the Zoning Ordinance, provided Minor Subdivision Platting Requirements of Section 5803.05 are followed.

**Subd. 12. Approvals Necessary for Acceptance and Recording of Subdivision Plats.** Before any plat or subdivision of land shall be recorded or be of any validity, it shall be referred to the Planning Commission and approved by the City Council of Waite Park as having fulfilled the requirements of this Ordinance. No plat or subdivision shall be entitled to be recorded in the Stearns County Recorder's Office or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this Ordinance.

**Subd. 13. Building Permits.** No building permits shall be issued by the City of Waite Park, or the City's designee, for the construction of any building, structure or improvement to the land or to any lot in a subdivision as defined herein, until all requirements of this Ordinance have been fully met. The City may allow the installation of foundations after the aggregate base course is applied to streets. The City may allow the placement of structural members following the installation of the first lift of bituminous surfacing providing fire hydrants are charged and street signs have been placed. Except otherwise provided by this Section all electric and gas distribution lines or piping, roadways, curbs, walks and other similar improvements shall be constructed only on a street, alley or other public way or easement which is designated on an approved plat, or properly indicated on the Official Map of the City, or which has otherwise been approved by the City Council. Upon adoption of an official map, no permit for the erection of

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any building shall be issued unless the building is to be located upon a parcel of land abutting on a street or highway which has been designated upon an approved plat or on the Official Map or which has been otherwise approved by the City Council and unless the buildings conform to the established building line. This limitation on issuing permits shall not apply to planned developments approved by the City Council pursuant to Ordinance 52 of this Code. No permit shall be issued for the construction of a building on any lot or parcel conveyed in violation of the provisions of this Section.

**Subd. 14. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason found to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. This Ordinance is not intended to repeal, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or with restrictive covenants running with the land except those specifically repealed by or in conflict with this Ordinance. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provisions of the law, ordinance, code, statute, resolution or regulation, the regulations which are more restrictive or impose higher standards or requirements shall prevail.

**Subd. 15. Established Monuments.** All federal, state, county and other official monuments, bench marks, triangulation points, and stations shall be preserved in their precise location; and it shall be the responsibility of the Developer to insure that these markers are maintained in good condition during construction and development. All section, quarter section, and sixteenth section covers shall be duly described and tied.

**Subd. 16. Common Interest Communities.**

- A. **Approval.** A Common Interest Community (CIC) shall be evaluated and considered for approval in the same manner as a standard plat and shall be subject to the site coverage standards contained within the City of Waite Park Zoning Ordinance.
- B. **Requirements.** Common Interest Communities shall be subject to all use, residential density, setback and height requirements of the applicable zoning district and any other applicable standard contained in the City of Waite Park Zoning Ordinance.
- C. **Conversions of CIC's.** The conversion of existing common interest communities, resorts, manufactured home parks or other similar types of developments from privately owned structures on leased or rented land, or the division of several commonly owned structures on a single parcel of land to individually owned parcels containing separate structures, shall be by a standard plat pursuant to the requirements of this Ordinance and the applicable requirements of Minnesota Statutes, Chapter 515A and Chapter 515B, or successor statutes, and shall be further subject to the following:

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1. Sewage Treatment: When considering approval of conversions the City shall consider the development as a whole, relative to the provision for sewer and on-site sewage treatment systems, and shall require connection to the municipal system where they are available. In areas where municipal services are not available, design plans shall be presented and approved for a community wastewater treatment system as an integral element of the Common Interest Community approval. A timeline to implement the approved wastewater treatment plan and/or eliminate all identified failing sewage treatment systems shall be established by a subdivision or development agreement.
  2. Conformity: The developer shall make every effort to minimize the degree of nonconformity with existing lot and area requirements and setback requirements. Lot lines shall be arranged to provide the largest possible setbacks between structures that will become the principal structures on the newly created lots. Accessory buildings shall be moved or removed when and where possible to create the lowest, most uniform density possible.
  3. Density. The conversion shall not result in an increase in residential density, unless the residential density requirements of the applicable zoning district are met.
- D. Unified and Efficient Use of Space. To the extent possible, the common open space, individual properties and other elements of the common interest community shall be so planned that they will achieve a unified scheme of planning and efficient distribution of uses.
- E. Special Conditions for Shoreland Areas.
1. Inconsistencies between existing features of development and those required by this Ordinance and Ordinance 52 (Zoning Ordinance) shall be identified. However, existing dwelling unit or dwelling site densities that exceed standards of Ordinance 52 (Zoning Ordinance) may be allowed to continue but must not be allowed to be increased either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems or by other means.
  2. Deficiencies involving structures, setbacks, impervious coverage, open space and shore recreation facilities must be corrected as part of the conversion.

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- F. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
1. Removal of extraneous buildings, docks or other facilities that no longer need to be located in shore or bluff impact zones.
  2. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water.
  3. If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.

**Subd. 17. Restrictions On Filing And Recording Conveyances.** No conveyance of land to which these regulations apply shall be filed or recorded with the County Recorder's Office if the land is described by metes and bounds, by reference to an unapproved registered land survey made after April 21, 1961 or to an unapproved plat made after the regulations became effective. The foregoing provision does not apply to a conveyance if the land described:

- A. Is a separate parcel of record on the date of adoption of City subdivision regulations under Minnesota Statutes.
- B. Was a separate parcel of not less than five (5) acres in area and having a width of not less than three hundred thirty (330) feet on July 1, 1980, or
- C. Was a separate parcel of not less than two and one-half (2 ½) acres in area and one hundred fifty (150) feet in width on January 1, 1955, or
- D. Was the subject of a written agreement to convey entered into prior to the adoption of subdivision regulations, or
- E. Is a single parcel of commercial or industrial land of not less than five (5) acres and having a width of not less than three hundred (300) feet and its conveyance does not result in the division of the parcel into two (2) or more lots or parcels, any one of which is less than five (5) acres in area or three hundred (300) feet in width, or
- F. Is a single parcel of residential or agricultural land of not less than twenty (20) acres and having a width of not less than five hundred (500) feet and its conveyance does not result in the division of the parcel into two (2) or more lots or parcels, any one of which is less than twenty (20) acres in area or five hundred (500) feet in width.



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- G. Building permits shall be withheld for buildings on tracts which have been subdivided and conveyed by the metes and bounds method, except as set out elsewhere in Section Subd. 58.2.10 above.
- H. The City may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts. Past City repair or maintenance of any such tracts does not obligate the City to continue the same in the future.
- I. In any case where compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purposes of the subdivision regulations, the City Council may waive such compliance under the provisions of this Ordinance and the conveyance may then be filed or recorded.
- J. Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this Ordinance shall forfeit and pay to the City a penalty of not less than \$100 for each lot or parcel so conveyed.
- K. The City may enjoin such conveyance or may recover such penalty by a civil action in any court of competent jurisdiction.

**Subd. 18. Effect of Subdivision Approval.** For one (1) year following preliminary approval and for two (2) years following final approval, unless the subdivider and the City agree otherwise, no amendment to a comprehensive plan or official control shall apply to or affect the use, development density, lot size, lot layout or dedication or platting required or permitted by the approved application. Thereafter, pursuant to its regulations, the City may extend the period by agreement with the subdivider subject to all applicable performance conditions and requirements, or it may require submission of a new application unless substantial physical activity and investment has occurred in reasonable reliance on the approved application and the subdivider will suffer substantial financial damage as a consequence of a requirement to submit a new application. In connection with a subdivision involving planned staged development, the City may by resolution or agreement grant the rights referred to herein for such periods of time longer than two (2) years which it determines to be reasonable and appropriate.

**Subd. 19. Disclosure By Seller; Buyer's Action For Damages.**

- A. Disclosure: A person conveying a new parcel of land which, or the plat for which, has not previously been filed or recorded, and which is part of or would constitute a subdivision to which these subdivision regulations apply, shall attach to the instrument of conveyance either:
  - 1. Recordable certification by the City Administrator that the subdivision regulations do not apply, or that the subdivision has been approved by the governing body, or that the restrictions on the division of taxes and filing and recording have been waived by resolution of the governing body of

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the City in this case because compliance will create an unnecessary hardship and failure to comply will not interfere with the purpose of the regulations; or

2. A statement which names and identifies the location of the appropriate City offices and advises the grantee that subdivision and zoning regulations may restrict the use or restrict or prohibit the development of the parcel, or construction on it, and that the division of taxes and the filing or recording of the conveyance may be prohibited without prior recordable certification of approval, non-applicability or waiver from the City.

- B. Damages: In any action commenced by a buyer of such a parcel against the seller thereof, the misrepresentation of or the failure to disclose material facts in accordance with this Section shall be grounds for damages. If the buyer establishes his/her right to damages, a District Court hearing the matter may in its discretion also award to the buyer an amount sufficient to pay all or any part of the costs incurred in maintaining the action, including reasonable attorney fees, and an amount for punitive damages not exceeding five percent (5%) of the purchase price of the land.

**Subd. 20. Planned Unit Developments.** Required conformance with the regulations established within this Ordinance shall not be interpreted as limiting the City Council's authority to allow flexibility as part of a planned unit development approved in accordance with the provisions of the City of Waite Park Zoning Ordinance.

**Subd. 21. Platting Required.** All property within the City of Waite Park shall be platted pursuant to the applicable subdivision provisions of Chapter 58 and Minnesota Statutes Chapter 550. Plats, including preliminary plats, shall be prepared by a licensed land surveyor.

Subd. 58.2.21: added 6/2009

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SECTION 58.3 PLATTING PROCEDURE

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**Section 58.3. Platting Procedure.**

**Subd. 1. Preliminary Information Available.** Prior to the preparation of a preliminary plat, the developer is invited to obtain available information as to the general feasibility of the plan which is to be proposed. Such an owner or developer may receive a copy of the Subdivision Ordinance and is urged to discuss the provisions of this Ordinance with Municipal officials before submitting his/her plan.

**Subd. 2. Minor/Administrative Subdivisions/Consolidations.**

- A. Applicability/Purpose. This section is established to provide for administrative approval of subdivisions that meet specified criteria and for the waiver of standard platting requirements specified elsewhere in this Ordinance. It is intended largely to facilitate the further division of previously platted lots, the combination of previously platted lots into fewer lots, or for the adjustment of a lot line by relocation of a common boundary.
- B. Application. Any person having a legal or equitable interest in a property may file an application for administrative subdivision. An application for minor subdivision shall be filed with the Zoning Administrator on an approved form and shall be accompanied by an assessment search, proof of ownership of the subject property, the submittal of required fee(s) and the submittal of a current certificate of survey, prepared and signed by a Minnesota registered land surveyor, depicting the following:
  - 1. Scale, one (1) inch equals fifty (50) feet or less and North point.
  - 2. Existing zoning district, existing site improvements and existing boundaries with lot dimension and area.
  - 3. All encroachments.
  - 4. Easements of record.
  - 5. Legal description of property.
  - 6. Ponds, lakes, springs, rivers or other waterways bordering on or running through the subject property.

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7. The boundary(ies) and legal description(s) of the lots as they are proposed to be subdivided along with proposed zoning.
  8. The boundary and legal description of any proposed easements on the property. A drainage and utility easement at least five (5) feet in width for interior lots, ten (10) feet in width for corner lots must be provided along all street-side property lines. A drainage and utility easement may also be required over wetland, ponds, lakes and drainage channels and tributaries. Dedication of roadway easements consistent with city, county and regional plans may also be required.
- C. Review of Administrative Subdivision. The Zoning Administrator shall review all applications for administrative subdivision to determine compliance with the standards identified in this section and all other pertinent requirements of this Ordinance. Upon written approval of the request, the developer shall be responsible for filing the subdivision survey with the County Recorder's office. Should the request be denied, the Zoning Administrator shall notify the developer, in writing, of the findings of fact for such denial.
- D. Findings Required for Approval. In order for the Zoning Administrator to grant approval for a proposed administrative subdivision, each of the provisions shown below shall be met:
1. The proposed subdivision of land will not result in more than two (2) lots.
  2. All necessary utility and drainage easements are provided for.
  3. All lots to be created by the subdivision conform to lot area and width requirements
  4. City of Waite Park Zoning Ordinance including all requirements established for the zoning district in which the property is located.
  5. The proposed administrative subdivision is in compliance with the Comprehensive Plan.
  6. Lots created have direct access onto a public street.
  7. The property has not been divided through the provisions of this section within the previous five (5) years.
  8. The subdivision meets all design and dedication standards as specified elsewhere in this Ordinance.
  9. All basic improvements required by this Ordinance are installed in accordance with City standards.

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10. No parcel of land or portion thereof shall result in buildings and/or uses becoming non-conforming.
- E. The City and/or its assigns may impose such conditions on any proposed administrative subdivision that are deemed reasonable and necessary to protect the public interest and to ensure compliance with the provisions of this Ordinance including, but not limited to, the following:
1. The developer shall provide required utility and drainage easements for all newly created lots and be responsible for the cost of filing and recording written easements with the County Recorder's Office.
  2. That there be no more than one (1) principal structure on a base lot in all residential districts. The principal structure on the unit lots created in a two-family, townhouse or quadraminium subdivision will be the portion of the attached dwelling existing or constructed on the platted unit lots.
  3. In the case of the subdivision of base lots containing two-family, townhouse or quadraminium lots, wherein the purpose is to permit individual private ownership of a single dwelling within such a structure, a property maintenance and party wall agreement be provided by the applicant and submitted to the City Attorney for review and comment, ensuring the maintenance and upkeep of the structure and the lots to meet minimum City standards with the agreement filed as a deed restriction against the title of each unit lot.
  4. Separate public sewer and water services shall be provided to each subdivided unit and shall be subject to the review and approval of the City Engineer.
  5. In the case of the subdivision of base lots containing two-family, townhouse or quadraminium lots, wherein the purpose is to permit individual private ownership of a single dwelling within such a structure, verification of fire walls in compliance with the building code provided by a certified building inspector at the expense of the applicant.
- F. All other Minor Subdivision requests shall be approved by resolution of the City Council following consultation with the Planning Commission.

**Subd. 3. Required Procedure Subdivision of Property.** To facilitate the handling of plats and to establish a definite procedure for the consideration of the problems involved in preparing and recording a plat, the following procedure is approved by the governing body and includes a concept plan, build out plan, preliminary plat and final plat as defined below.

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### **Subd. 4. Concept Plan – Pre-Application Meeting.**

- A. Pre-application/concept plan meeting. Prior to the preparation of a preliminary plat, the applicant shall meet with the Zoning Administrator in order to be made aware of all applicable ordinances, regulations and plans in the area to be subdivided. Review of the concept plan further provides City staff the opportunity to determine whether the proposed subdivision is premature, based on criteria established in section 58.7.1-D of this Ordinance. At the time of the initial meeting or at subsequent meetings, the applicant shall submit five (5) large-scale copies and twelve (12) reduced scale (11" x 17") copies of a concept plan of the proposed subdivision to include future phases and an estimated timetable for development.
- B. Submission of a concept plan shall not constitute formal filing of a plat with the City. The Zoning Administrator shall arrange a pre-application meeting with the developer, the City Engineer, Public Works staff and other departments as deemed necessary in order to provide the developer with input on the proposed concept plan. The Zoning Administrator and/or the Developer may refer the concept plan to the Planning Commission for informal review and informal comment. Such referral shall not constitute formal filing of a plan with the City, but rather shall allow for a non-binding review of the proposal to ensure compliance with design standards and to identify possible modifications necessary to secure approval. Any advice, comments or recommendations for modification made by the Planning Commission are advisory only and shall not constitute approval or a commitment to approve.
- C. As far as may be practical on the basis of a concept plan, the City will informally advise the developer as promptly as possible of the extent to which the proposed subdivision conforms to the design standards of this Ordinance and will discuss possible plan modifications necessary to secure conformance.

**Subd. 5. Concept Plan Contents.** The concept plan shall contain, at a minimum, the following information:

- A. Plat boundary.
- B. North arrow and scale.
- C. Street names and the layout on and adjacent to the proposed plat.
- D. Designation of land use and current and proposed zoning.
- E. Significant topographical or physical features.
- F. General lot locations and layout.

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- G. Proposed playgrounds and parks.
- H. A notation of whether or not a statutory EAW or EIS is required.
- I. Potential ponding sites.
- J. Preliminary evaluation by the applicant that the subdivision is not classified as premature based upon criteria established in Ordinance 58.7, Subd. 1(D) of this Ordinance.
- K. Additional written data shall include approximate number of lots, typical lot width and depth, and what zoning changes would be required.

### **Subd. 6. Preliminary Plat Process.**

- A. Purpose. The preliminary plat is intended to illustrate proposed subdivision of properties within the City. Such approval shall be required for all subdivisions of land not specifically exempted within this Ordinance.
- B. Following the pre-application meeting and following review of the concept plan, the applicant shall prepare a request for approval of the preliminary plat for the subdivision, as provided within this Ordinance. The request shall be filed with the City on an official application form. A fee as provided for by City Council Ordinance shall accompany such application. Such application shall also be accompanied by five (5) large-scale copies and twelve (12) reduced scale (not less than 11" x 17") copies of a preliminary plat and supportive information in conformity with the requirements of this Ordinance. If, in the opinion of the Zoning Administrator, reduced scale drawings (11" x 17") are determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to ensure legibility.
- C. The applicant shall also supply proof of title and the legal description of the property for which the subdivision is requested, consisting of an abstract of title or registered property abstract currently certified together with any unrecorded documents whereby the petitioners acquire a legal ownership or equitable ownership interest and as applicable, supply documented authorization from the owner(s) of the property in question to proceed with the requested subdivision. The applicant shall also submit any necessary applications for variances from the provisions of this Ordinance, as set out in Section 58.7, Subd. 3 of Ordinance 58 and necessary variances from the provisions of the City of Waite Park Zoning Ordinance (Ordinance 52).
- D. The Zoning Administrator shall review the application to determine whether or not the application and required material submissions are complete. The preliminary plat shall be considered as being officially submitted only when all of



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the information requirements are complied with and the appropriate fees paid. If the Zoning Administrator determines the application is incomplete, the applicant shall be notified of all deficiencies in the application, in writing within fifteen (15) calendar days of receipt of the application. The Council shall approve or disapprove the preliminary plat within one hundred twenty (120) days following the receipt of a completed application in compliance with this Ordinance unless an extension of the review period has been approved.

- E. Upon receipt of the completed application as outlined in A – D above, the Zoning Administrator shall set a public hearing for public review of the preliminary plat by the Planning Commission City Council. Notice of the hearing may be a legal or display advertisement and shall consist of a legal property description, description of the request, and shall be published in the official newspaper at least ten (10) days prior to the hearing. Written notification of the hearing shall be mailed at least ten (10) days prior to the hearing. Requests affecting and located within non-platted areas of the City shall be noticed to all property owners within three hundred fifty (350) feet of the property in question. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the records of the proceeding.
- F. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Section provided a bona fide attempt has been made to comply with the notice requirements of this Section.
- G. The Zoning Administrator shall instruct the staff as appropriate to prepare technical reports and provide general assistance in preparing a recommendation on the action to the Planning Commission. This may include the City Engineer, Building Official, City Attorney, and public or private utility departments, among others. The presence of any of the above, which may be considered an employee of the City, will not preclude the City from obtaining a recommendation from an independent contractor performing similar duties and responsibilities if, in the opinion of the Zoning Administrator, the independent contractor possesses a set of skills and abilities required for a fair evaluation of the request.
- H. The Zoning Administrator or the Administrator's designee shall also refer copies of the plat map to the following individuals or bodies:
  - 1. City Engineer;
  - 2. City Attorney;
  - 3. School District;
  - 4. Commissioner of Transportation if the proposed subdivision includes land abutting an established or proposed trunk highway;

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5. County Engineer if the proposed subdivision includes land abutting a County or County State-Aid Highway;
  6. State Commissioner of Natural Resources if the proposed subdivision adjoins a public body of water;
  7. The Watershed District Board, if applicable;
  8. Other City department heads as appropriate;
  9. Park Board;
  10. Planning Commission.
- I. The Park Board, Planning Commission, City Council, and City staff shall have the authority to request additional information from the applicant concerning the proposed subdivision and its operational factors or impact, or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors or impacts, when said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.
- J. The Planning Commission shall conduct a public hearing. The applicant or a designated representative thereof shall appear before the Planning Commission at the public hearing in order to answer questions concerning the proposed request. Following the closing of the public hearing, the Planning Commission shall take one of the courses of action identified in Section 58.3, Subd. 7(K) below. The following guidelines should be followed when findings of fact are issued:
1. The proposed preliminary plat conforms to the requirements of this Ordinance and the applicable zoning district regulations.
  2. The proposed subdivision is consistent with the City's Comprehensive Plan and any other adopted land use studies and is compatible with the platting or approved preliminary plat on adjoining lands.
  3. The proposed plat does not constitute a 'premature subdivision' under section 58.7, Subd. 1(D) of this Ordinance.
  4. The physical characteristics of the site, including but not limited to topography, vegetation, wetlands, susceptibility to erosion and siltation, susceptibility to flooding, water storage and retention, are such that the site is suitable for the type of development or use contemplated.

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5. The design or improvement of the proposed subdivision complies with applicable plans of the County and the state of Minnesota.
  6. The design or improvement of the proposed subdivision is not likely to cause environmental damage or health problems.
  7. The completion of the proposed development of the subdivision can be achieved in a timely manner so as not to cause an undue economic burden upon the City for maintenance, repayment of bonds or similar burden.
  8. That permits applicable to the site/project as required by local, state and federal law have been applied for and/or have been approved. The Applicant is required to prove compliance with all local, state and federal law. The City and/or its assigns may determine if whether an application for approval is sufficient or if approval a permit application is acceptable.
- K. The Planning Commission shall recommend to the City Council one of the following courses of action and the applicant notified in writing of the Planning Commission's decision:
1. Approval of the preliminary plat: as presented – with findings of fact.
  2. Conditional approval of the preliminary plat: conditions for approval and findings of fact itemized.
  3. Denial of the preliminary plat, with findings of fact.
  4. The Planning Commission may, at its discretion and with the approval of the applicant, table the matter pending further information from the applicant that will help it render a recommendation to the City Council. An extension of the preliminary plat review period (i.e. total of 120 days) may be necessary.
- L. The Zoning Administrator shall notify the applicant of the Planning Commission's recommended action together with the findings of fact for such recommended action and what requirements, if any, will be necessary for the Planning Commission to recommend approval of the Plat. The recommended approval of the Preliminary Plat does not constitute an acceptance of the subdivision.
- M. Following review by the Planning Commission, the request shall be scheduled for review by the City Council.

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### N. City Council Action:

1. The reports and recommendations of City staff, Park Board and the Planning Commission shall be entered in and made part of the permanent written record of the City Council meeting.
2. The Council shall approve or disapprove the preliminary plat within one hundred twenty (120) days following delivery of an application completed in compliance with this Ordinance unless an extension of the review period has been agreed upon by the applicant and the City.
3. When the preliminary plat is approved, conditionally approved or denied by the City Council, the findings of fact for such action shall be recorded in the proceedings of the Council and shall be transmitted in writing to the applicant. If the preliminary plat is approved or conditionally approved, such approval shall not constitute acceptance of the final design and layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this Ordinance to be indicated on the final plat. The City Council may impose such conditions and restrictions as it deems appropriate or require such revisions or modifications in the preliminary plat or final plat as it deems necessary to protect the health, safety, comfort, general welfare and convenience of the City.

### O. Required findings for preliminary plat. The Planning Commission and City Council shall make each of the following findings before recommending (Planning Commission) or granting (City Council) preliminary plat approval:

1. The proposed preliminary plat conforms to the requirements of this Ordinance and the applicable zoning district regulations.
2. The proposed subdivision is consistent with the City's Comprehensive Plan and any other adopted land use studies and is compatible with the platting or approved preliminary plat on adjoining lands.
3. The proposed plat does not constitute a 'premature subdivision' under section 58.7, Subd. 1(D) of this Ordinance.
4. The physical characteristics of the site, including but not limited to topography, vegetation, wetlands, susceptibility to erosion and siltation, susceptibility to flooding, water storage and retention, are such that the site is suitable for the type of development or use contemplated.
5. The design or improvement of the proposed subdivision complies with applicable plans of the County and the state of Minnesota.

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6. The design or improvement of the proposed subdivision is not likely to cause environmental damage or health problems.
  7. The completion of the proposed development of the subdivision can be achieved in a timely manner so as not to cause an undue economic burden upon the City for maintenance, repayment of bonds or similar burden.
  8. That permits applicable to the site/project as required by local, state and federal law have been applied for and/or have been approved. The Applicant is required to prove compliance with all local, state and federal law. The City and/or its assigns may determine if whether an application for approval is sufficient or if approval a permit application is acceptable.
- P. The Applicant shall be notified by the City of the City Council's action together with the findings of fact for such action and what requirements will be necessary to meet approval of the City Council. The approval of the Preliminary Plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the final plat.
- Q. Following City Council approval of a preliminary plat, the applicant must submit a final plat to the City within one year of preliminary approval unless otherwise specified as part of a Development Agreement. If this procedure is not followed, then approval of the preliminary plat shall be considered void, unless the applicant submits a request for time extension in writing thirty (30) days prior to the lapse of approval and subsequently approved by the City Council.
- R. Should the applicant desire to amend a preliminary plat as approved, an amended preliminary plat may be submitted. The City may require the applicant to follow the same procedure as a new preliminary plat. No public hearing will be required unless the amendment, in the opinion of the City Council, is of such scope as to constitute a new preliminary plat. A filing fee as established by the City shall be charged for the amendment processing.
- S. Preliminary plats that have been denied shall not be reintroduced for a period of one year unless substantial changes have been made.

**Subd. 7. Preliminary Plat Data Requirements.** As outlined in Ordinance Section 58.3, Subd. 6 (Preliminary Plat Process), the applicant shall prepare and submit a preliminary plat, together with any necessary supplementary information. The preliminary plat shall contain the information set forth in the subsections that follow. Upon specific request, the Zoning Administrator may exempt an applicant from the submission of data which is not considered relevant to the application.

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### A. Proposed Conditions:

1. The proposed name of the subdivision; names shall not duplicate or be alike in pronunciation to the name of any plat theretofore recorded in Stearns County.
2. Location of boundary lines in relation to a known section, quarter section or quarter-quarter section lines comprising a legal description of the property.
3. Name, address, phone number and where applicable license number of the record owner(s), any agent having control of the land, the applicant, land surveyor, engineer and designer of the plan.
4. Graphic scale of one (1) inch to one hundred (100) feet, except as specifically approved by the Zoning Administrator.
5. North point and key map of the area, showing well-known geographical points for orientation including streets within a one-half (1/2) mile radius.
6. Date of preparation.
7. The legal description of the land contained within the subdivision including the total acreage of the proposed subdivision.
8. An indication as to which lands are registered torrens property or abstract property. If land is registered property, a registered land survey shall be required.
9. A list of any liens or encumbrances.
10. Elevation benchmarks used for the topographic survey and datum on which they are based.
11. Reference to the coordinate system use for the survey.
12. Results of site evaluation, including percolation tests and soil borings.

### B. Existing Conditions:

1. Boundary lines to include bearings, distances, curve data, and total acreage of proposed plat, clearly indicated.
2. Existing zoning classifications for land in and abutting the subdivision.
3. Total area of the proposed plat.

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4. Location, right-of-way width and names of existing or platted streets or other public ways, parks and other public lands, permanent buildings and structures, easements and section, corporate and school district lines within the plan, to a distance of one hundred fifty (150) feet beyond the plat.
5. Location, size, and elevations of existing sewers, water mains, culverts or other underground facilities within the preliminary plat area and to a distance of one hundred fifty (150) feet beyond. Such data as top grades and locations of catch basins, manholes, elevations, invert elevations, hydrants and the street pavement width and type also shall be shown.
6. Boundary lines of adjoining un-subdivided or subdivided land, within one hundred fifty (150) feet of the plat, identified by name and ownership, including all contiguous land owned or controlled by the applicant.
7. Topographic data, including contours at vertical intervals of not more than one (1) foot shown on a contour/topographic map. Watercourses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features also shall be shown. U. S. G. S. datum shall be used for all topographic mapping.
8. Subsurface conditions location and results of tests to ascertain subsurface soil, rock and groundwater conditions and availability; location and results of soil percolation tests.
9. 100-year flood elevations, the regulatory flood protection, and boundaries of floodway and flood fringe areas, if known, taking into consideration the Flood Insurance Study and Flood Insurance Rate Map.
10. A statement certifying the environmental condition of the site including the presence of any hazardous substance as defined in Minnesota Statutes 115B.02, Subd. 8. Such statement may be required to be based upon an environmental assessment of the site by an environmental engineering firm acceptable to the City.
11. Geotechnical data prepared by a qualified soils engineer showing surface and subsurface soils and groundwater in sufficient detail to show the site to be suitable for the development proposed.
12. A vicinity map, at least 4" x 4" in size on the full size plans, to the Planning Commission showing the relationship of the proposed subdivision to adjacent properties, roads, right-of-ways, and other property and subdivision within three hundred-fifty feet (350) of the proposed subdivision, and the relation of the plat to the surrounding zoning districts.

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13. All existing survey monuments that have been found.
14. Areas in the plat which have been designated as shoreland, delineated wetlands and/or floodplains by the Department of Natural Resources, including the high water mark of all wetlands.

### C. Proposed Design Features:

1. Layout of proposed streets showing the right-of-way widths, centerline gradients, roadway widths, typical cross-sections, and proposed names of streets in conformance with City of Waite Park street identification policies. The name of any street heretofore used in the City or its vicinity shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used.
2. Locations and widths of proposed alleys and pedestrian ways.
3. Locations and size of proposed storm sewer, sanitary sewer lines and water mains.
4. Gradients of proposed streets, storm sewer, sanitary sewer lines and water mains, as requested.
5. Location, dimension and purpose of all easements.
6. Layout, numbers, lot areas and preliminary dimensions of lots and blocks, and outlots. The total number of proposed lots, their minimum, maximum and average size in square footage.
7. Minimum front and side street building setback lines.
8. When lots are located on a curve, the width of the lot at the building setback line.
9. Building pads intended for construction.
10. Areas, other than streets, alleys, bikeways, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such an area or areas in acres.
11. The proposed location and sizing of public water system mains and service connections.
12. The proposed location and routing of public sewer mains and service connections.



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13. Preliminary grading plan with minimum one (1) foot contours which shall include the proposed grading and drainage of the site: prior to, during and post-construction. The preliminary grading plan shall include, but not be limited to, the illustration of provisions for erosion control, hydrology calculations and drainage. Also to be stipulated are the garage floor, first floor and basement elevations of all structures.
  14. The location, size and proposed improvements for proposed parks, playgrounds and public open spaces; churches or school sites or other special uses of land to be considered for dedication to public use or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.
  15. Proposed pedestrian ways, trails, drainage easements and utility easements.
  16. The items listed in this section shall be in conformance with all other applicable sections of this Ordinance and the Waite Park Zoning Ordinance (Ordinance 52).
- D. Supplementary Information: Any or all of the supplementary information requirements set forth in this subsection shall be submitted when deemed necessary by the City staff, consultants, advisory bodies and/or the City Council to adequately address the application and site in question.
1. If the developer is contemplating financing under MN. Stat. Chapter 429, an official request to the City Council for the uses of said financing and the Council's approval of the drafting of a feasibility report.
  2. A build-out plan as defined by the City and/or its assigns.
  3. Proposed protective covenants or private restrictions.
  4. Proposed phasing/staging plan for any project involving more than one construction season which sets forth the chronological order of construction and relates the proposed uses and structures to the construction of various service facilities and gives estimated completion dates.
  5. A listing of all required federal, state and City permits and status of applications. This includes a wetland permit if there are proposed impacts to wetlands on the property being platted.
  6. A plat overlay on an aerial photo, illustrating the relationship of the proposed subdivision to the surrounding area.

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7. An analysis prepared by a qualified person identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density and spacing. A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted may also be required.
8. Statement of the proposed use of lots stating type of buildings with number of proposed dwelling units or type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population. The City may require the applicant to have formal traffic or other studies performed to the City's satisfaction which show the effect of the proposed development on traffic, fire hazards, congestion, or other matters of public concern.
9. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions, shall be shown. Such proposed zoning plan shall be for information only and shall not vest any rights in the applicant.
10. A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design of velocity and erosion control measures, design of sediment control measures, and landscaping of the erosion and sediment control system. Such plans are to be in accordance with the technical standards and specifications of the Soil Conservation Service, as provided by Stearns County Soil and Water Conservation District Office.
11. An environmental review shall be submitted if the City, City consultants or other groups or agencies determine that one is required by law.
12. Applications, statements and supporting documentation and plans for rezoning, variances, conditional use permits or planned unit development approvals being sought for the subdivision.
13. Such other applicable information as may be required by the City.

### **Subd. 8. Final Plat Process.**

- A. Purpose. A final plat is a drawing representing the proposed subdivision of land within the City and serves as the document for recording purposes, as required by the County Recorder's Office. Once a preliminary plat has been approved by the City Council, the developer may submit a request for final plat approval. In certain cases the City may allow a final plat to be submitted concurrent with a request for preliminary plat approval.

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- B. After the preliminary plat has been approved, a final plat shall be submitted for review as set forth in the subsections, which follow. The applicant shall prepare a request for approval of the final plat for the subdivision, as provided within this Ordinance. The request shall be filed with the City on an official application form. A fee as provided for by City Council Ordinance shall accompany such application. Such application shall also be accompanied by five (5) large-scale copies and ten (10) reduced scale (not less than 11" x 17") copies of a preliminary plat and supportive information in conformity with the requirements of this Ordinance. If, in the opinion of the Zoning Administrator, reduced scale drawings (11" x 17") are determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to ensure legibility. The final plat shall incorporate all changes, modifications and revisions required by the City, otherwise, it shall strictly conform to the approved preliminary plat.
- C. All final plats shall comply with the provisions of Minnesota State Statutes and requirements of this Ordinance.
- D. An applicant shall submit with the final plat a current Abstract of Title or Registered Property Certificate, along with any unrecorded documents, and a Certificate of Title.
- E. When the City has agreed to install improvements in a development, the developer may be required to furnish a financial statement satisfactory to the City indicating the developer's ability to develop the plat.
- F. The Zoning Administrator shall review the application to determine whether or not the application and required material submissions are complete. The final plat shall be considered as being officially submitted only when all of the information requirements are complied with and the appropriate fees paid. If the Zoning Administrator determines the application is incomplete, the applicant shall be notified of all deficiencies in the application, in writing within fifteen (15) calendar days of receipt of the application. The Council shall approve or disapprove the final plat within sixty (60) days following the receipt of a completed application in compliance with this Ordinance unless an extension of the review period has been approved.
- G. Upon receipt of a final plat, copies shall be referred to the Planning Commission, appropriate City staff and to all applicable utility companies, County and State agencies.
- H. The Zoning Administrator or designee receiving final plat copies shall, submit reports to the Planning Commission documenting their recommendation on the final plat. The Zoning Administrator may instruct the staff as appropriate to prepare technical reports and provide general assistance in preparing a recommendation on the action to the Planning Commission. This may include the

## CHAPTER V ZONING, LAND USE AND BUILDING REGULATIONS

City Engineer, Building Official, City Attorney, and public or private utility departments, among others. The presence of any of the above, which may be considered an employee of the City, will not preclude the City from obtaining a recommendation from an independent contractor performing similar duties and responsibilities if, in the opinion of the Zoning Administrator, the independent contractor possesses a set of skills and abilities required for a fair evaluation of the request.

- I. The Planning Commission, at their meeting, shall render one of the following final plat recommendations to the City Council and the applicant shall be notified in writing of the Planning Commission's recommendation.
  - 1. Approval of the final plat, as presented.
  - 2. Approval of the final plat, with conditions.
  - 3. Denial of the final plat, with findings of fact.
  - 4. The Planning Commission may, at its discretion, table the matter pending further information from the applicant that will help it render a recommendation to the City Council.
- J. Recommended findings of fact for approval:
  - 1. The final plat conforms to the approved preliminary plat and any/all conditions for approval of the preliminary plat.
  - 2. All submission requirements have been satisfied.
  - 3. The plat conforms to all applicable requirements of this Ordinance, subject only to approved rule exceptions.
- K. The Zoning Administrator shall notify the applicant of the Planning Commission's recommended action together with the findings of fact for such recommended action and what requirements, if any, will be necessary for the Planning Commission to recommend approval of the Plat.
- L. Prior to approval of a final plat, the applicant shall have executed a Development Agreement with the City, which controls the installation of all required improvements and assures compliance with all conditions of approval unless determined unnecessary by the Planning and Community Development Director and/or City Engineer. Said agreement will require all improvements and approval conditions to comply with approved engineering standards and applicable regulations.

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- M. The City Council shall take action on a final plat not more than sixty (60) days after the final plat is filed with the City. If the final plat is not approved, the findings of fact for such action shall be recorded in the official proceedings of the City and shall be transmitted to the applicant.
- N. Required findings for final plat. The Planning Commission and City Council shall make each of the following findings before recommending (Planning Commission) or granting (City Council) final plat approval:
  - 1. The final plat conforms to the approved preliminary plat and any/all conditions for approval of the preliminary plat.
  - 2. All submission requirements have been satisfied.
  - 3. The plat conforms to all applicable requirements of this Ordinance, subject only to approved rule exceptions.
- O. The applicant shall be notified by the City of the City Council's action together with the findings of fact for such action.
- P. Upon receiving an approved final plat in conformance with the requirements of the City, the designated representatives of the City shall sign the plat, and the applicant, as a condition of approval, shall record the approved and signed final plat with the County Recorder within ninety (90) days, or the approved final plat may be considered void.
- Q. Release of plat for recording. The final plat shall not be released by the City for recording with the County Recorder's Office until the following have been completed:
  - 1. The recording of signatures upon the plat.
  - 2. The recording of signatures upon the developer's agreement.
  - 3. The submittal of necessary financial guarantees and development fees to the City.
  - 4. The provision of easements or deeds as may be required by the City for trailways, ponding, parks, utilities or similar purposes in a form prescribed by the City Attorney.
  - 5. Final evidence of Title ownership.
- R. Recording of Final Plats. Upon approval of the final plat, it shall be the responsibility of the developer to file the plat with the County Recorder's Office.

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- S. The applicant shall, within thirty (30) days of recording, furnish the City with three (3) blue or black line prints and one mylar of the final plat showing evidence of the recording. The applicant shall provide an electronic copy of the approved final plat in a format acceptable to the City and consistent with the Stearns County coordinate system. Failure to furnish such copies shall be grounds for refusal to issue building permits for lots within a plat.
- T. Upon receiving approval of a final plat for a portion of an approved preliminary plat, a continuation or the recognition of the preliminary plat is not required to maintain its approval. In the event a Zoning Ordinance amendment is adopted which requires a larger minimum lot size for land not yet platted and recorded, the larger minimum lot size may be required for any additional platting. If the applicant is unable to file a final plat application within the required one (1) year, such person shall file a written request for an extension of the final plat approval with the Zoning Administrator and receive City Council approval thirty (30) days prior to the lapse of approval. Said applicant's request shall specify and the City Council shall, if approved, determine the length of time for filing and for the preliminary plat to remain in full force and effect.

**Subd. 9. Final Plat Data Requirements.** As required by Section 58.3, Subd. 9 of this Title, the applicant shall submit a final plat together with any necessary supplementary information. The final plat, prepared for recording purposes, shall be prepared in accordance with provisions of Minnesota State Statutes and Stearns County regulations, and such final plat or accompanying submittals shall contain the following information:

- A. Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing plat theretofore recorded in the City of Waite Park or its vicinity and which shall be subject to City Council approval.
- B. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision.
- C. The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles and distances to such reference points or monuments. The applicant shall provide coordinating data on all subdivision monumentation in a format approved by the City Engineer.
- D. Location of lots, outlots, streets, public highways, alleys, and parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground shall be shown. Dimensions shall be shown from all angle points of curve to lot lines.

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- E. Lots shall be numbered clearly, blocks are to be numbered, with numbers shown clearly in the center of the block.
- F. A drawing or listing of total square footage per lot, acreage per block, square footage or acreage of each land use proposed (where applicable) and total acres in the plat.
- G. The exact locations, widths and names of all streets to be dedicated.
- H. Location, purpose and width of all easements to be dedicated.
- I. Name, address and phone number of surveyor making the plat.
- J. Scale of the plat to be one (1) inch to one hundred (100) feet (1"=100'—the scale to be shown graphically on a bar scale), date and north arrow.
- K. A current abstract of title or a registered property certificate along with any unrecorded documents that are subject to review and approval by the City Council.
- L. Copies of any protective or restrictive covenants affecting the subdivision or any part thereof.
- M. Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the designated areas marked "drainage and utility easements".
- N. Statement dedicating all streets, alleys and other public areas not previously dedicated as follows: Streets, alleys and other public areas shown on this plat and not heretofore dedicated to public use hereby so dedicated.
- O. Other data: Such other information that may be required by the City following final plat approval, including but not limited to:
  - 1. A signed Development Agreement approved by the City which includes provisions for a financial guarantee of cash escrow or letter of credit, as provided for in Section 58.6, Subd. 16 of this Ordinance.
  - 2. A complete set of construction plans and specifications to construct the required public improvements and to make the subdivision suitable for development, which conform to the City requirements. These documents will be prepared by the City for projects following the publicly financed public improvement process.
  - 3. A certified mylar copy of the plat evidencing filing of the plat with the County within sixty (60) days after approval by the City. No building

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permits shall be approved for construction of any structure on any lot in said plat until the City has received evidence of the plat being recorded by Stearns County.

4. Three complete sets of 11" x 17" reproducible as-built construction drawings for any public improvements constructed in the subdivision shall be furnished to the City for the City files and City Engineer, within one hundred and twenty (120) days after the construction is complete and approved by the City. In addition one digital GIS formatted copy and one scanned copy for imaging shall be submitted to the City.
5. Upon adoption and filing of a final plat, the City shall prepare a street address map and distribute it to the applicant, utility companies, police department, ambulance, fire department, post office and County.
6. A digital disk of the recorded plat consistent with the Stearns County coordinate system in a format specified by the City and/or the City Engineer for inclusion in the City's base map.

### P. Certification Required.

1. Certification by a registered surveyor in the form required by Minnesota Statutes 505.03, as amended.
2. Execution by all owners of any interest in the land and holders of a mortgage thereon of the certificates required by Minnesota Statutes 505.03, as amended, and which certificate shall include a dedication of the utility easements and other public areas in such form as approved by the City Council.
3. Space for certificate of approval and review to be filled in by the signatures of the Mayor and City Administrator in the following form:

### FOR APPROVAL OF THE CITY OF WAITE PARK:

*This plat of (name of plat) was approved and accepted by the City of Waite Park, Minnesota, at a regular meeting thereof held this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.*

### CITY COUNCIL OF WAITE PARK, MINNESOTA

By \_\_\_\_\_, Mayor

By \_\_\_\_\_, Administrator



## CHAPTER V ZONING, LAND USE AND BUILDING REGULATIONS

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SECTION 58.4 PARKS AND RECREATION

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**Section 58.4. Parks and Recreation.**

**Subd. 1. Findings and Purpose.**

- A. The City Council finds that the preservation and development of parks, playgrounds, and open space areas within the City are essential to maintaining a healthy and desirable environment for residents and persons employed within the City, and it also finds that the value and attractiveness of residential, commercial and industrial developments to land owners, developers, purchasers, employers and employees is significantly enhanced by the presence of such park and open space amenities.
- B. Minnesota Statutes Section 462.358 Subd. 2b provides that municipal subdivision regulations may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for conservation purposes or for public use as parks, playgrounds, trails, wetlands, or open space, and that the municipality may alternatively accept an equivalent amount in cash.
- C. The City Council finds that it is appropriate that each development within the City contribute toward the City's park system in proportion to the benefit provided and the burden it will place upon that system. Therefore, these park donation regulations are established to require new developments at the time of subdivision to contribute toward the City's park system in rough proportion to the relative burden they will place upon that system.

**Subd. 2. Standards for Accepting Dedication of Land for Public Purposes.** In consideration of accepting the dedication of land for public purposes the following special provisions shall apply:

- A. Essential Nexus. There must be an essential nexus between the fees or dedication imposed under this Section and the municipal purpose sought to be achieved by the required fee and/or dedication. The fee and/or dedication shall bear a rough proportionality to the need created by the proposed subdivision or development.
- B. Reservation of Land. Where a proposed park, playground, school site or other public site shown on an adopted plan or official map is embraced in part or in whole by a boundary of a proposed subdivision, and such public sites are not dedicated to the County or Board of Education, such public grounds shall be shown as reserved land on the Preliminary Plat to allow the County, State or

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Agency or the Board of Education the opportunity to consider and take action toward acquisition of such public ground or park or school site by purchase or other means prior to approval of the Final Plat.

- C. Land Dedication. The City shall require all subdivisions to dedicate a percentage of the growth area of all property subdivided for parks, playgrounds, or other public use. Such percentage shall be in addition to the property dedicated for streets, alleys, waterways, pedestrian ways or other public ways. The schedule for dedication of public land shall be established by the City Council in the “Waite Park Schedule of Fees Charges”.
- D. Payment in Lieu of Dedication. If in the judgment of the City Council, the area proposed to be dedicated is not suitable or desirable for park/playground purposes, because of location, size or any other reason, the City Council may require in lieu of land dedication, a payment to the City of a sum equal to the percentage listed above of the average value of the land to be subdivided. The aforementioned value shall be the value of the land upon approval of the preliminary plat, yet prior to the installation of improvements, and shall be determined jointly by the City Council or its agent and the subdivider developer. If the City Council and subdivider developer cannot agree on land value, then the land values shall be established on the basis of three (3) independent appraisals by professional appraisers, one (1) to be selected by the City, one (1) to be selected by the subdivider developer, and the third to be selected by the two (2) previously appointed appraisers; and the cost of the City’s appraiser shall be paid by the City, the cost of the subdivider developer’s appraiser shall be paid by the subdivider developer, and the cost of the third appraiser shall be borne by the City and subdivider developer in equal shares. Payment of the cash in lieu of land shall be completed prior to approval of the final plat of the subdivision. No final plat shall be approved unless the payment is made or an estimated amount determined by the City is placed into an escrow account for payment upon completion of the appraisal. Such dedication of land for public use shall be without restrictions or reservations and shall be transferred to the City.
- E. No areas may be dedicated as parks, playgrounds, or public lands until such areas have been approved for that purpose to which they are to be dedicated by the City Council. The subdivider-developer shall leave such dedicated land in a condition suitable to the City Council. If in the judgment of the City Council the area proposed to be dedicated is not desirable for park playground purposes because of the location, size or other reasons, the City may require in lieu of land dedication an equivalent amount in cash from the developer for part or all of the portion required to be dedicated to such public.
- F. All park equipment and landscaping provided by the subdivider must be approved by the Park Board.
- G. Prior Dedication: In those cases where a resubdivision of a parcel on which

## CHAPTER V ZONING, LAND USE AND BUILDING REGULATIONS

dedication of land or cash has previously been made in connection with a prior subdivision, but on which an additional cash dedication is required under the resubdivision, credit shall be given for the prior dedication.

- H. Any cash payment received shall be placed in a special account and used only for the purposes for which the money was obtained. The special account will be used only for the acquisition of public open space, landscaping, signage, playgrounds, development of existing park and playground sites.
- I. In establishing the reasonable portion to be dedicated, the City may consider the open space, park, recreational or common areas and facilities which the developer proposes to reserve for the subdivision.

**Subd. 3. Required Improvements.** Developers shall be responsible for making certain improvements to their developments for park, playground and public open space purposes:

- A. Areas to be dedicated for public park, trail or ponding shall be brought to a suitable condition by the subdivider prior to acceptance by the City. All dead trees, trash, junk, unwanted structures or other similar undesirable elements shall be removed at the subdividers expense.
- B. To provide finished grading and a cover of at least six (6") inches or more of topsoil on the park site. In addition, the developer shall be made responsible of seeding the park with a seed mixture approved by the Public Works Director. No park dedication credit will be given for this work.
- C. Sidewalks or trails shall be constructed in certain street right-of-ways, as suggested by the City Council within the development. This improvement shall be the responsibility of the developer. These trails shall not be utilized toward park dedication requirements.
- D. Trails as part of the recreational system, outside of the right-of-way and public properties, shall be utilized toward park dedication, as long as the trail is dedicated to the City in the form of an easement. The improvements of these trails are the responsibility of the City. Where possible, a trail easement document shall be drawn and recorded prior to the approval of the final plat, so that the trail easement may show up on the final plat as an existing trail easement.
- E. Where as a proposed park, trail, ponding or open space is located within a subdivision, such area or areas shall be shown on the preliminary plat. Such area or areas may also be dedicated to the City by the subdivider if the City Council requests such dedication under the provisions listed above.

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SECTION 58.5 DESIGN STANDARDS

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**Section 58.5. Design Standards.**

**Subd. 1. General Requirements.**

- A. Design standards shall assure that the layout of the subdivision is in harmony with the existing adopted plans affecting the development and its surroundings and shall be in conformity with the City's development objectives for the entire area. All concept plans and preliminary and final plats shall provide as a minimum the data required under this section and shall conform to the standards set forth in this section, except where deviations are approved by the City Council or where a specific variance is granted in accordance with the provisions of Section 58.7, Subd. 3 of this Ordinance.
- B. Land which the City finds to be unsuitable for a subdivision or a development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the subdivider or developer and recommended by the Planning Commission and approved by the City Council to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.
- C. In subdivision of land, due regard shall be shown for all natural features which, if preserved, will add attractiveness and stability to the proposed development and which shall alter normal lot planning. Due regard shall be shown for existing wetlands and their protection.
- D. All subdivisions shall further meet all applicable floodplain, shoreland, wetland and tree preservation standards as defined by the City or other applicable law.

**Subd. 2. Street Design.** The following standards are to be followed unless the City Council shall permit a variance in accordance with Section 58.7, Subd. 3 of this Ordinance.

- A. The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by the streets.

## CHAPTER V ZONING, LAND USE AND BUILDING REGULATIONS

- B. Where not specifically illustrated in the Comprehensive Plan, the arrangement of streets in the subdivision shall either:
  - 1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
  - 2. Conform to a plan for the neighborhood approved or adopted by the City Council to meet a particular situation where topography or other conditions make continuance or conformance to existing streets impractical.
- C. Local streets shall be so laid out that their use by through traffic will be discouraged and so that they will not tend to function as collector streets.
- D. Where a subdivision abuts or contains an existing or proposed arterial street, the City Council may require marginal access streets, reverse frontage with screen plantings contained in a non-access reservation along the rear property line, deep lots with rear service alleys or other treatment as may be necessary for adequate protection of residential property and to afford separation of through and local traffic. There shall be no direct vehicular access from residential lots to arterial streets and such direct access to collector streets shall be avoided.
- E. Reserve strips controlling access to streets shall be prohibited except where their control is placed under specific conditions approved by the City Council and appropriate buffering is provided.
- F. Street intersections:
  - 1. Streets shall be laid out so as to intersect, as nearly as possible, at right angles.
  - 2. No street shall intersect any other street at less than sixty (60) degrees.
  - 3. Intersections with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
  - 4. In general, provisions shall be made at intervals not exceeding one-half (1/2) mile for through streets (streets running through the subdivision in a fairly direct manner).
  - 5. Maximum slope of approach grades at street intersections shall be five (5) percent for the first one hundred (100) feet approaching the intersection.

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6. Roadways of street intersections shall be rounded by a radius of not less than twenty-five (25) feet. Roadways of alley-street intersections shall be rounded by a radius of not less than fifteen (15) feet. Corners at the entrances to the turnaround portions of cul-de-sacs shall be rounded by an inside radius of not less than thirty-five (35) feet.
- G. Centerline Curvature: The minimum horizontal curvature of streets shall be in accordance with the MN/DOT Highway Design Manual for the type of street and design speed. The minimum radius of curvature shall be two hundred (200) feet.
- H. When connecting street lines of the same street deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than one hundred fifty (150) feet for minor arterials and collector streets, and of the greater radii as the City Engineer shall determine for special cases.
- I. Vertical Curves: Different connecting street gradients shall be connected with vertical curves. Minimum length, in feet, of these curves shall be twenty (20) times the algebraic difference in the percent of grade of the two (2) adjacent slopes. Centerline vertical curves of less than fifty (50) feet shall be prohibited.
- J. A tangent at least one hundred (100) feet in length shall be introduced between curves of reverse direction on arterial major and collector streets and fifty (50) feet on lesser streets.
- K. Right-of-way and pavement widths, grades, and load bearing capacity shall be as shown in the following chart. It is noted that the City Council may require additional right-of-way and street width, above the minimum standards, in consideration of such factors as area land use density patterns, on-street parking needs, and other similar factors.

<b>Street Type</b>	<b>Minimum Right-of-Way/Easement Width</b>	<b>Minimum Pavement Width</b>	<b>Maximum Grade</b>	<b>Minimum Strength</b>
Minor Arterial	100 feet	44 feet	4%	9 tons
Collector	80 feet	38 feet	6%	9 tons
Local	66 feet	36 feet	6%	7 tons
Frontage	66 feet	36 feet	6%	9 tons
Trail	12 feet	8 feet	ADA Specs	N/A
Sidewalk	12 feet	6 feet	ADA Specs	N/A
Alley Residential	20 feet	15 feet	6%	7 tons
Alley Commercial	24 feet	16 feet	6%	9 tons



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- L. No street grade shall be less than one-half (0.5%) percent.
- M. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformance with the other requirements of these regulations and where the City Council finds it will be practicable to require the dedication of the remaining half when the adjoining property is subdivided. In such event, access to the half street shall be prohibited until such time that the adjoining property is subdivided.
- N. Cul-de-sacs shall only be developed where justified and shall meet the following standards:
1. The maximum length shall not be less than three hundred feet (300) or exceed six hundred fifty (650) feet, as measured from the centerline of the connecting street to the center of the cul-de-sac.
  2. The closed end shall include a turnaround having an outside roadway diameter of at least ninety (90) feet and street property line diameter of at least one hundred twenty (120) feet.
  3. Cul-de-sac and/or entrance islands may be included in design of the subdivision provided they are maintained as specified within the Developer's Agreement.
- O. Proposed streets obviously in alignment with existing and named streets shall bear the names of such existing streets. All streets shall be named in accordance with the Stearns County policies.
- P. Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet the standards of this Ordinance.
- Q. Where a proposed plat fronts or is adjacent to an arterial or collector roadway as designated by the Comprehensive Plan and/or regional transportation plan(s), minimum spacing between access points to such thoroughfares shall be as follows except where impractical or impossible due to existing property divisions or topography:

<b>Street Type</b>	<b>Distance: Urban Core</b>	<b>Distance: Urbanizing Area</b>
Principal Arterial	<b>330 feet (1/16 mile)</b>	<b>2,310 feet (7/16 mile)</b>
Minor Arterial	<b>330 feet (1/16 mile)</b>	<b>1,980 feet (3/8 mile)</b>
Collector	<b>330 feet (1/16 mile)</b>	<b>660 feet (1/8 mile)</b>

- R. Local streets in the urban core and urbanizing areas shall generally have a minimum of one-sixteenth of a mile (330 feet) between intersections.

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- S. Streets in Floodplain Overlay Areas. No street shall be approved if its final surface is lower than one (1) foot above the regulatory flood protection elevation. The City Council may require profiles and elevations of finished streets for areas subject to flooding. Fill may be used for streets, provided such fill does not unduly increase flood heights and provided any such fill would not result in a stage increase violating the requirements of Minnesota Statutes Chapters 104 and 105, as such chapters may be amended, supplemented, or replaced from time to time, and any applicable requirements imposed by FEMA pursuant to its rules and regulations. Drainage openings shall not restrict the flow of water so as to unduly increase flood heights and provided any such drainage opening would not violate the requirements of Minnesota Statutes Chapters 104 and 105, as such chapters may be amended, supplemented, or replaced from time to time, and any applicable requirements imposed by FEMA pursuant to its rules and regulations.

### **Subd. 3. Alleys.**

- A. Residential Districts: Alleys shall not be permitted in residential areas unless it can be shown that their use is essential to a proper plan.
- B. Business And Industrial Districts: Where alleys are used in a proposed business or industrial area, they shall not be less than twenty-four feet (24') in width.
- C. No outlet alleys shall be avoided wherever possible, but if unavoidable, such no outlet alleys may be approved if adequate turn around facilities are provided at the closed end.
- D. All alleys shall include approved curb and gutter sufficient to meet City standards.

### **Subd. 4. Pedestrian Ways.**

- A. The City Council following a recommendation from the Park Board shall require the provision of sidewalks, trails and/or pathways in proximity to public service areas such as parks, schools, shopping facilities or in other appropriate locations of a similar nature. All such facilities shall conform to city design standards and ADA guidelines and shall be constructed at the sole expense of the developer.
- B. The location of all trails and sidewalks shall conform to existing City plans and shall be considered in their relation to existing and planned walkways, to topographical conditions, to public convenience and safety and in their appropriate relation to the proposed uses of the land.
- C. Where not specifically illustrated in the Comprehensive Plan, or similar city-approved trail/sidewalk plan, the arrangement of walkways in the subdivision shall either:

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1. Provide for the continuation or appropriate projection of existing walkways in surrounding areas;
2. Be installed adjacent to one side of a collector street;
3. Be installed adjacent to both sides of an arterial street;
4. Conform to a specific pedestrian plan for the neighborhood approved or adopted by the City Council to meet a particular situation.

### **Subd. 5. Easements.**

- A. Drainage and utility easements at least ten (10) feet wide and centered on rear and side lot lines (five (5) feet on each side of the property line) and ten (10) feet wide abutting street right-of-way shall be provided and shall be dedicated by appropriate language. Such easements shall further connect with easements established on adjoining properties to ensure continuity. If necessary for the extension of water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.
- B. Where a subdivision is traversed by a ponding area, watercourse, wetland, drainage way, channel or stream, there shall be provided a storm water easement and/or drainage right-of-way conforming substantially with the lines of the water course, and with such further width or construction as will be adequate for the purpose as determined by the City. The drainage or ponding easements shall be laid out and located in such a manner as to provide reasonable access for maintenance and dredging purposes without undue infringement upon the property over which access is taken.
- C. Trails or pedestrian ways shall be shown as a separate easement(s) as the City may direct.
- D. All easements shall be kept free of structures and any improvements that would substantially interfere with the free movement of maintenance vehicles or impair the intended use of the easement.

### **Subd. 6. Blocks.**

- A. The length, width and shape of blocks shall be determined with due regard to:
  1. Provisions of adequate building sites suitable to the needs of the type of use contemplated.
  2. Zoning Ordinance requirements as to lot sizes and dimensions.
  3. Blocks shall normally be sufficient to accommodate two (2) tiers of lots of appropriate depths.

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4. Needs for convenient access, circulation control and safety of street traffic.
  5. Limitations and opportunities of topography.
- B. The maximum length of blocks shall be one thousand three hundred twenty feet (1,320'), the minimum length shall not be less than four hundred (400) feet. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required near the center of the block.
- Subd. 7. Lots.** All lots shall conform to the requirements of Ordinance 52 of this Code.
- A. The lot size, width, depth, shape and orientation and the minimum setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and in accordance with the Zoning Ordinance.
  - B. Side lines of lots shall be at substantially right angles to the right-of-way line of the abutting street or radial to curved streets or to wetland, lake or stream shores unless topographic conditions necessitate a different arrangement or the City Engineer and/or City Council finds such deviation acceptable.
  - C. Frontage: Every lot must have the minimum frontage on and be accessible to a City approved public street other than an alley, except if the lot is designated as an outlot intended for use as public open space, for ponding purposes and will be accessible by easement, or as part of an approved planned unit development.
  - D. Rear Lot Width: Every lot must have a minimum width of ten (10) feet at the rear lot line.
  - E. Watercourses: Lots abutting a watercourse, wetland, ponding area, drainageway, channel, or stream shall have additional depth and width, as required to comply with the approved drainage plan for the subdivision and to meet the provisions of the Zoning Ordinance to assure building sites that are not subject to flooding.
  - F. Drainage: Lots shall be graded so as to provide drainage away from building locations, subject to the approval of the City Engineer. A development plan shall be submitted showing all lot grading and drainage provisions.
  - G. Lot Remnants: All remnants of lots below minimum size for the respective zoning district in which they are located must be added to abutting lots or lots immediately adjoining. For remnants separated by a public right-of-way, the lot remnants shall be designated as an outlot.
  - H. Lot boundaries: No lot shall be divided by a boundary line between registered land and abstract property.

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- I. Lot corners at street intersections shall be subject to approval by the City Engineer.
- J. Building Locations:
  - 1. Building pads: The top of the foundation and the garage floor of all structures shall be a minimum of twelve (12) inches and a maximum of thirty-six (36) inches above the grade of the crown of the street upon which the property fronts. The Building Inspector may require a certificate of survey prior to building permit issuance to assure compliance with this section if building pads are not installed as part of the subdivision process.
  - 2. Buildings shall be located on each lot in conformance with the minimum required setbacks established for the zoning district in which the parcel is located or to the setbacks as specifically allowed under a Planned Unit Development. Buildings shall be of the type specified within the approved preliminary plat (e.g. walk out, full basement, look out, slab on grade).
  - 3. Buildings shall not be permitted on publicly dedicated easements.
  - 4. In the subdividing of any land which, through the establishment of new lot lines, has the effect of splitting a lot with an existing structure, the following criteria shall be satisfied:
    - a. Each lot, with its portion of the original structure, shall have a separate sanitary sewer and water service with curb box.
    - b. Each portion of the original structure to be associated with a separate lot shall meet the applicable building codes for occupancy and separation as stipulated and approved by the Building Official.
- K. Re-Subdivision of lots: When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate re-subdivision, with provision for adequate utility connections for such re-subdivision.
- L. Political Boundaries: No singular plat or components of the plat shall extend over minor civil division jurisdictional boundaries.
- M. Double-frontage, or lots with frontage on two (2) parallel or non-intersecting streets shall not be permitted except as follows:
  - 1. Such double-frontage lots shall have an additional depth of at least twenty (20) feet or a strip shall be created in order to allow space for screen planting along the rear lot line; or

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2. Where rear yards abut principal or minor arterial streets; or
  3. Where topographic or other conditions render subdividing otherwise unreasonable.
- N. Turn-Around Access: Where proposed residential lots abut a collector street, they shall be platted in such a manner as to encourage turn-around access and egress on each lot and discourage direct access onto such streets.
- O. Outlots: In such cases where outlots are created or exist, their area shall not be utilized in calculating minimums for buildable lot area requirements. Said outlots are also prohibited from qualifying for building permits, until resubdivided.

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SECTION 58.6 REQUIRED IMPROVEMENTS

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**Section 58.6. Required Improvements.**

**Subd. 1. Required Improvements.** The Developer shall be required to provide the following improvements for subdivisions unless the City elects to do so under terms of the Developer's Agreement. Unless otherwise stated, all of the required improvements shall be installed in accordance with the engineering policy, standards and specifications that have been or may in the future be adopted by the City Council. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices.

**Subd. 2. Monuments.** Monuments shall be placed at all block and lot corners, angle points, points of curves in streets and at intermediate points as shall be required by the City. The monuments shall be of a material, size and length as may be approved by the City. It shall be the developer's responsibility to ensure that monuments are maintained in good order during construction and development.

**Subd. 3. Streets.**

- A. Streets shall be graded to the full width of the right-of-way in accordance with street grades submitted to and approved by the City Engineer. Grading shall be complete prior to installation of applicable underground utilities, either private or public in nature. Gravel base construction shall be undertaken after installation of underground utilities in those instances where utilities shall be required as part of the project.
- B. Following the City Engineer's recommendation and City Council's approval of street grading and after utility installation, in those projects then requiring such, street surfaces shall be brought up to standards and provided with curbs and gutters in accordance with the latest standards and specifications as approved by the City Council. Type B curbing will be used.
- C. Sodding/seeding shall be required in all street boulevard areas. Front yards shall be sodded and side and rear yards either sodded or seeded.
- D. All developments increase the need for additional collector streets to provide access to their development, and therefore are responsible for construction of, or contribution toward construction of collector streets in the City of Waite Park.



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### **Subd. 4. Sanitary Sewer Systems.**

- A. When connection to the municipal sanitary sewer system is available, such connection shall be made and sanitary sewer facilities adequate to serve the subdivision and as approved by the City Engineer shall be installed. Minimum size sanitary sewer main in any street or easement shall be eight (8) inches in diameter and of a material approved for use in the City by the City Engineer. The developer shall pay the total cost of sanitary sewer through ten (10) inches diameter size if required by the City Engineer.
- B. Trunk sanitary sewer facilities larger than ten (10) inches in diameter, when required, may be at the discretion of the City Council assessed over the area benefited that may include land outside of the subdivision under consideration or construction.
- C. Sanitary sewer grades and installation shall conform to the Recommended Standards for Sewage Works latest edition by the Great Lakes-Upper Mississippi River Board of State Sanitary Engineers (i.e. the "Ten State Standards") and the City Engineers Association of Minnesota standard utilities specification for sanitary sewer.
- D. Each lot shall be served by an individual service or as directed by the City Engineer. Each service, as approved by the City Engineer, shall be run from the main to the property line, where a curb stop and box shall be placed until the service is extended to the structure. Sanitary sewer service lines to end-users shall be a minimum of four (4) inches and shall be installed in accordance with the City's standard detail templates. Service lines longer than seventy-five (75) feet shall be furnished with a clean-out extending to the surface of the ground.

### **Subd. 5. Water Systems.**

- A. When connection to the municipal water supply system is available, such connection shall be made and water distribution facilities adequate to serve the subdivision (including pipe, fittings, hydrants and valves) and as approved by the City Engineer shall be installed. Minimum size water main in any street or easement shall be eight (8) inches in diameter. The developer shall pay the total cost of water main through ten (10) inches diameter size if required by the City Engineer.
- B. Trunk water supply facilities larger than ten (10) inches in diameter, when required, may at the discretion of the City Council be assessed over the area benefited that may include land outside of the subdivision under construction or consideration.

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- C. The minimum depth of cover over water mains shall be eight (8) feet as measured from the top of the main to the lowest elevation of the ground surface covering said main.
- D. Each lot shall be provided with an individual service and shut-off and/or as directed by the City Engineer. Each house service, as approved by the City Engineer, shall be run from the main to the property line, where a curb stop and box shall be placed until the service is extended to the structure. The minimum size of house services in residential areas shall be one (1) inch.
- E. Mains shall be valved at intervals determined by the City Engineer. Valves shall also be installed at street intersection and branches in the distribution system or in locations as determined by the City Engineer.
- F. “Dead end” mains shall be looped unless otherwise approved by the City Engineer.

**Subd. 6. Fire Hydrants.** Installation shall be pursuant to plans approved by the City Engineer and the Waite Park fire inspector and shall be located in accordance with Insurance Service Office (ISO) standards and the Minnesota State Fire Code (MSFC). Hydrants shall be placed in residential neighborhoods so that all buildings are within two hundred fifty (250) feet of a hydrant measured by an approved route. Spacing for buildings requiring additional hydrants will be based on table C105.1 of the Minnesota State Fire Code. All hydrants shall be easily accessible to fire fighting personnel and equipment and bagged until charged and ready for use. Fire hydrants shall be charged prior to framing of structures within the subdivision.

**Subd. 7. Drainage and Erosion Control.** Storm sewer and/or other surface drainage facilities shall be installed as determined to be necessary by the City Engineer for the proper drainage of surface waters. All properties shall be liable for storm sewer assessment in accordance with the criteria, policies and square footage rate established by the City Council. The Developer shall be solely responsible for the implementation, maintenance and removal of development-wide erosion and sediment control measures for the purpose of retaining sediment on construction sites and out of water bodies, water courses, wetlands, storm drains and streets. Minimum pipe size shall be twelve (12) inches. Minimum culvert size shall be fifteen (15) inches. Catch basins shall be installed so that overland drainage does not exceed six hundred (600) feet in the street. A SWPPP consistent with the standards contained in the Waite Park Zoning Ordinance and regulations promulgated by the Minnesota Pollution Control Agency (MPCA) shall be developed for the subdivision.

**Subd. 8. Other Utility Service Providers.** Electric, gas, telephone and cable distribution facilities and service lines shall be installed underground so as to enhance the visual appearance of the area. Service lines shall be installed at the property owner’s or developer’s expense.

**Subd. 9. Sidewalks.** Sidewalks, where provided or required, shall be at least six (6) feet in improved width, with greater widths as may be required by the City Council. Driveways shall be constructed from the curb and gutter or pavement edge to the property line or property side of

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the sidewalk. In cases where driveways are constructed after curbing and sidewalk are in place, the sidewalk shall be reconstructed in accordance with driveway specifications for the width of the driveway. Concrete driveway entrances, as approved by the City, shall be constructed.

**Subd. 10. Driveways.** All properties shall be entitled to at least one (1) curb cut. All driveways are required to have a concrete apron. A permit and inspection is required for the installation of all driveway aprons. All platted lots on paved streets shall provide driveways (either asphalt or concrete) within one (1) year from the date the building permit is issued. No curb cut access shall be located less than twenty (20) feet from the intersection of two (2) or more street right-of-ways for residential uses, and thirty (30) feet for commercial and industrial areas. This distance shall be measured from the intersection of lot lines. Curb cut openings shall be a minimum of five (5) feet from the side property line. Single-family uses shall be limited to one (1) curb cut access per property measuring no more than twenty-four (24) feet in width, except that single-family lots with one hundred fifty (150) feet or more lineal front footage may be allowed two (2) curb cuts not exceeding twenty-four (24) feet in width each.

**Subd. 11. Streetlights.** Any person, firm, corporation, subdivider, developer or owner who is responsible for any new public street construction within the City shall also be responsible for the procurement and installation of street lighting. Street lighting shall be installed as approved by the City Engineer and Waite Park street lighting standards.

**Subd. 12. Identification.** Every buildable lot shall be identified by a sign that indicates the lot and block number and address, if available, which is approved by City staff prior to issuing any building permits. These signs can be removed as lots are developed.

**Subd. 13. Plantings.** Trees, vegetation and non-vegetative treatments and/or techniques shall be installed in conformance with the approved landscape plan submitted with the preliminary plat. Installation of two (2) trees for each proposed lot shall be required and placed on private property. The City may require trees be planted within the boulevard. All lots, outlots, common areas, open spaces, etc. shall be sodded/seeded. Non-coniferous trees may be planted within the boulevard but shall not be planted: within thirty (30) feet of street intersections, within utility easements, within three (3) feet of a private utility hook-up, utility mains and concrete drives or walks. Trees shall be spaced a minimum of thirty (30) feet apart and be a minimum size of one and three-fourths (1 3/4) inches to two (2) inches in diameter measured thirty (30) inches above ground level. Property owners will be responsible for the care of vegetative and non-vegetative treatments/techniques.

**Subd. 14. Specifications.** Unless otherwise stated, all the required improvements shall conform to engineering standards and specifications as required by the City Council and City Engineer. Such improvements shall be subject to inspection and approval of the City Engineer.

**Subd. 15. Inspections.** The Developer shall pay for all costs incurred by the City for subdivision review and inspection. This would include preparation and review of plans and specifications by technical assistants and costs incurred by the Attorney, as well as other costs of similar nature.

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### **Subd. 16. Payment City/Developer Agreement, Financial Guarantee.**

- A. Payment - The required improvements to be furnished and installed by the Developer are to be furnished and installed at the sole expense of the Developer and at no expense to the public. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the City Council may make a provision for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same, or the City Council may choose to pay the increased cost and assess for improvements when future development takes place. In such case, the Developer will be required only to pay for such portions of the whole cost of said improvements as it will represent the benefit to the property within the subdivision, however when such improvements are made at the request of a developer and are not determined to be a benefit to the City due to the timing and/or location of the improvements, the City may opt not to provide for any 'City cost' and the development will be 100% responsible for such costs without reimbursement, regardless of potential future benefit to the City or other property owners.
- B. As an alternative to paragraph (A.) above, the owner of the property included in a preliminary plat may petition the City to install certain improvements required within and/or to the Plat. Said petition shall be in accordance with Minnesota Statutes Chapter 429. The City Council reserves the right to reject any/all petition(s) and refuse to order the project improvements through the City. Any petitioner for improvements to the City is encouraged to petition the City Council for said improvements by January 1st each year for improvements requested during the year. Otherwise, the City may refuse to construct said improvements until the following year.
- C. City/Developer Agreement - Prior to the installation of required improvements and prior to approval of the Final Plat, the Developer shall enter into a contract with the City requiring that the Developer furnish and construct said improvements at his or her expense and in accordance with plans and specifications to be approved by the City Engineer. The City/Developer contract shall stipulate at a minimum the type and extent of the improvements to be constructed, the cost of construction, the construction time schedule, the City's authority to inspect the construction and the amount of the escrow deposit performance bond, warranty bond and labor and material bond to be furnished.
- D. Financial Guarantees - With the execution of the City/Developer Agreement, providing that the developer will construct the required improvements for the Plat at his expense, the owner or developer, as the case may require, shall furnish a corporate completion bond, with good and sufficient sureties thereon, or a cashier's check, escrow account or irrevocable letter of credit in favor of the City in an amount equal to one hundred twenty-five percent (125%) of all costs, to include construction, engineering, legal, fiscal and administrative, as estimated by

## CHAPTER V ZONING, LAND USE AND BUILDING REGULATIONS

the City, of providing and installing all required improvements. Such bond, escrow, or letter of credit shall be in the form approved by the City Attorney, shall be conditioned upon the approval of the Final Plat and shall be further conditioned as to guarantee the actual completion and installation of such required improvements within a specified period of time from the date of Final Plat approval. In order to guarantee and secure the correction of any defect in material or workmanship furnished for such improvements, latent in character, and not discernible at the time of final inspection or acceptance by the City or any damage to such improvements by reason of a settling of the ground, base or foundation thereof, the City will require that for a period of twelve (12) months after final acceptance of the required improvements by the City, the proponent shall maintain a bond, escrow account or irrevocable letter of credit, in the amount of one hundred percent (100%) of the construction costs of the in-place improvements which will be owned and maintained by the City. If during that twelve (12) month period any such defects develop, the deposit in escrow, bond, or letter of credit may be applied by the City for any amounts incurred to correct such defects.

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SECTION 58.7 ADMINISTRATION

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**Section 58.7. Administration.**

**Subd. 1. Findings of Fact.**

- A. Planning Commission Recommendation. The Planning Commission, upon making its formal recommendation to the City Council under this Ordinance and pertaining specifically to the request for subdivision of land, shall make said recommendation through resolution of the Commission. The recommending resolution shall contain findings of fact pursuant to the following and as outlined in Section 58.3, Subd. 6(J) of this Ordinance.
- B. City Council Action. The City Council upon taking a formal action under this Ordinance and pertaining specifically to the request for subdivision of land shall do so by resolution of the City Council. The resolution shall contain findings of fact pursuant to the following and as outlined in Section 58.3, Subd. 6(O) of this Ordinance.
- C. Recommendation/official action pertaining to requests for variance from this Ordinance shall include findings of fact pursuant to those identified in Section 58.7, Subd. 1 of this Ordinance.
- D. Premature Subdivisions. Any preliminary plat of a proposed subdivision deemed premature for development shall be denied by the City Council. A subdivision may be deemed premature should any one or more of the conditions set forth in the following provisions exist. The burden shall be upon the applicant to show that the proposed subdivision is not premature.
  - 1. Lack of adequate drainage: A condition of inadequate drainage shall be deemed to exist if:
    - a. Surface or subsurface water retention/detention and runoff is such that it constitutes a danger to the structural security of the proposed development or flood of the subdivision or downstream property.
    - b. The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.

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- c. The proposed site grading and development will cause siltation on downstream land.
  - d. Factors to be considered in making these determinations shall include, but shall not be limited to: average rainfall for the area; the relation of the land to flood plains; the nature of soils and subsoils and their ability to adequately support surface water runoff and waste disposal systems; the slope of the land and its effect on effluents; and the presence of streams as related to effluent disposal.
- 2. Lack of Adequate Water Supply: A proposed subdivision shall be deemed to lack an adequate water supply if:
  - a. There is inadequate capacity in the present system to support the subdivision if developed to its maximum permissible density indicated in the Waite Park Comprehensive Plan, as may be amended.
  - b. The orderly extension of municipal drinking water is not feasible or is not proposed as part of subdivision improvements.
- 3. Lack of Adequate Roads or Highways to Serve the Subdivision: A proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when:
  - a. Roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance and surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or aggravate an already hazardous condition, and when, with due regard to the advice of the City Engineer, Stearns County Highway Engineer, St. Cloud Area Planning Organization and/or the Minnesota Department of Transportation, said roads are inadequate for the intended use; or
  - b. The traffic volume generated by the proposed subdivision would create unreasonable traffic congestion or unsafe conditions on roadways existing at the time of the application or proposed for completion.
- 4. Lack of Adequate Waste Disposal Systems: A proposed subdivision shall be deemed to lack adequate waste disposal systems if:
  - a. There is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density



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indicated in the Waite Park Comprehensive Plan, as may be amended.

- b. The orderly extension of municipal sanitary sewer is not feasible or is not proposed as part of subdivision improvements.
  5. Provision of Public Improvements/Services: If public improvements, such as recreational facilities, streets and utilities and/or public administration and/or public protection services such as police and fire service reasonably necessitated by the subdivision and which must be provided at public expense cannot be reasonably provided within the next two (2) fiscal years, the proposed subdivision shall be deemed premature.
  6. Threat to Environmentally Essential Areas: The proposed subdivision is inconsistent with policies and standards of the City, the County, the State, or Federal Government relating to environmentally sensitive areas and protections thereof.
  7. Inconsistency With Comprehensive Plan: The proposed subdivision is inconsistent with the purposes, objectives and recommendations of the duly adopted Comprehensive Plan of Waite Park, as may be amended.
  8. Inconsistent with Capital Improvement Plans: A proposed subdivision shall be deemed inconsistent with capital improvement plans when improvements and/or services necessary to accommodate the proposed subdivision have not been programmed in the City, County or other regional capital improvement plans. The City Council may waive this criterion when it can be demonstrated that a revision to capital improvement programs can be accommodated.
- E. Disqualification/Denial of Plats. The City Council may deny the subdivision if it makes any one or more of the following findings:
1. That the proposed subdivision qualifies as a premature subdivision under Section 58.7, Subd. 1(D) of this Ordinance. If deemed a 'premature subdivision' the proposed subdivision shall be denied.
  2. That the proposed subdivision is in direct conflict with adopted applicable local control (e.g. Zoning Ordinance; Subdivision Ordinance) and/or general or specific official plans of the City, County or Region.
  3. That the physical characteristics of the site, including but not limited to, topography, percolation rate, soil conditions, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development, design, or use contemplated.

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4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the type of improvements are likely to cause serious public health concerns.
6. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage.
7. That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court.
8. That the proposed subdivision, its site, or its design adversely affects the flood-carrying capacity of the floodway, increases flood stages and velocities, or increases flood hazards within the floodway fringe or within other areas of the City.
9. That the proposed subdivision is inconsistent with the policies and standards for defined shoreland and/or wetland.

### **Subd. 2. Conditional Approval.**

- A. The City may condition approval on the construction and installation of sewers, streets, electric, gas, drainage and water facilities, and similar utilities and improvements or, in lieu thereof, on the receipt by the municipality of a cash deposit, certified check, irrevocable letter of credit, or bond in an amount and with surety and conditions sufficient to assure the municipality that the utilities and improvements will be constructed or installed according to the specifications of the municipality. The City may also condition approval on compliance with other requirements reasonably related to the provisions of the regulations and to execute development contracts embodying the terms and conditions of approval.
- B. The City may not condition the approval of any proposed subdivision or development on an agreement to waive the right to challenge the validity of a fee.
- C. This paragraph must not be construed to preclude the municipality from conditioning approval of any proposed subdivision or development on an agreement to waive a challenge to the cost associated with City installed improvements of the type described in MN Statute 429.

### **Subd. 3. Variances, City Council Approval, Standards.**

- A. Findings: The City Council may approve a variance from the minimum standards of this Ordinance (not procedure provisions) when, in its opinion, exceptional and

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undue hardship may result from strict compliance. In approving any variance, the City Council shall prescribe any conditions that it deems necessary to or desirable to the public interest. In making its approval, the City Council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be approved when the City Council finds that each and every one of the following apply:

1. That there are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his/her land.
2. That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which the property is situated.
3. That the granting of the variance will not increase the flood hazard or flood damage potential.
4. That the use proposed by the applicant would not result in a stage increase violating Minnesota Statutes 104 and 105, as amended from time to time, and any applicable requirements imposed by FEMA.
5. That the variance is to correct inequities resulting from an extreme physical hardship such as topography.
6. Hardships relating to economic difficulties shall not be considered for the purpose of granting a variance.
7. That the hardship is not a result of an action or actions by the owner, applicant, or any agent thereof.
8. The variance sought is the least variance required.

### B. Procedures:

1. Request for variances, as provided within this Section, shall be filed with the City on an official application form. Such application shall be accompanied by a fee as provided for by City Council ordinance. Such application shall also be accompanied by five (5) large scale copies and ten (10) reduced scale (not less than 11" x 17") copies of detailed written and graphic materials fully explaining the proposed change, development, or use. If, in the opinion of the Zoning Administrator, reduced scale drawings are determined to be illegible, the submission of larger scale

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materials shall be required. The scale of such materials shall be the minimum necessary to endure legibility. The request for variance shall be placed on the agenda of the Planning Commission meeting occurring after the date of submission of the application. The request shall be considered as being officially submitted when all the information requirements are complied with.

2. **Proof of Ownership or Authorization:** The applicant shall supply proof of title and the legal description of the property for which the variance is requested, consisting of an abstract of title or registered property abstract currently certified together with any unrecorded or equitable ownership interest and, if applicable, supply documented authorization from the owner(s) of the property in question to proceed with the requested variance.
3. Upon receipt of said application, the City shall set a public hearing following proper hearing notification as applicable. Notice of said hearing shall consist of a legal property description and description of request, and be published in the official newspaper at least ten (10) days prior to the hearing. Written notification of said hearing shall be mailed to surrounding area property owners at least ten (10) days prior to the hearing. Requests affecting and located within platted areas of the City shall be noticed to all property owners at least ten (10) days prior to the hearing. Requests affecting and located within non-platted areas of the City shall be noticed to all property owners within three hundred fifty (350) feet of the outside boundary of the property in question. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the record of the proceeding.
4. For properties within the Shoreland Overlay Districts and/or the Floodway or Flood Fringe Overlay Districts, the City shall submit to the Minnesota Department of Natural Resources Area Hydrologist a copy of the application for proposed variances sufficiently in advance so that the Department will receive at least ten (10) days notice of the hearing.
5. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Section provided a bona fide attempt has been made to comply with the notice requirements of this Section.
6. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the Planning Commission.

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7. The Planning Commission, City Council and/or Zoning Administrator shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relations to all pertinent sections of this Ordinance. Failure of an applicant to supply all necessary supportive information may be grounds for denial of the request.
8. The applicant or a designated representative thereof shall appear before the Planning Commission and/or City Council to answer questions concerning the proposed variance.
9. The City Council shall reach a decision within sixty (60) days after the receipt of a complete application.
10. The City Council shall not act upon a variance or appeal until they have received a staff report, with findings of fact and a recommendation, and a Planning Commission recommendation to the City Council.
11. Whenever an application for a variance has been considered and denied by the City Council, a similar application and proposal for the variance affecting the same property shall not be considered again by the City Council for at least one (1) year from the date of its denial except as follows:
  - a. Applications are withdrawn prior to the City Council taking action on the matter.
  - b. If the City Council determines that the circumstances surrounding a previous application have changed significantly.
  - c. If the City Council decides to reconsider the matter by a majority (2/3<sup>rd</sup>) vote of the entire City Council, whether present, absent, or abstaining.

**Subd. 4. Amendments.** The provisions of this Ordinance may be amended by the City Council following a legally advertised public hearing before the Planning Commission and in accordance with the law, including the rules and regulations of any applicable state or federal agency.

**Subd. 5. Fees.**

- A. Fees and charges, as well as expenses incurred by the City for engineering, planning, legal, and other services related to the processing of applications under this Ordinance shall be established via ordinance approved by the Council and

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collected by the City Administrator for deposit in the City's accounts. Fees shall be established for the processing of requests for platting, major and minor subdivisions, review of plans, and such other subdivision-related procedures as the Council may from time to time establish. The Council may also establish charges for public hearings, special meetings, or other such Council actions as are necessary to process applications.

- B. Such fees, charges and estimated expenses (as well as a deposit, if so required by the Zoning Administrator) shall be collected prior to City action on any application. All such applications shall be accompanied by a written statement between the City and the applicant/landowner (when the applicant is not the same person or entity as the landowner, both the landowner and the applicant must sign the agreement) whereby the applicant/landowner agrees to pay all applicable fees, charges and expenses as set by the Council as provided above, and which allows the City to assess the above fees, charges and expenses against the landowner if such monies are not paid within thirty (30) days after a bill is sent to the applicant/landowner.
- C. These fees shall be in addition to building permit fees, inspection fees, trunk storm water facility costs, zoning fees, charges, expenses and other such fees, charges and expenses currently required by the City or which may be established in the future.

### **Subd. 6. Violation/Enforcement.**

- A. Any person violating any provision of this Ordinance shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not exceeding ninety (90) days, or both. Each day a violation is allowed to continue, it shall be construed as a separate offense. Compliance with the terms of this ordinance may be obtained by injunctive relief in proceedings instituted by the City in a court of competent jurisdiction.
- B. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation, including but not limited to, the issuance of administrative citations as authorized by the City of Waite Park.